GOVERNOR THOMAS H. HICKS
OF MARYLAND
AND THE CIVIL WAR

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History is past Politics and Politics are present History.—*Freeman*

GOVERNOR THOMAS H. HICKS OF MARYLAND AND THE CIVIL WAR

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CONTENTS

		PAGE
Preface		7
CHAPTER		
I.	Earlier Career of Hicks	11
II.	Hicks becomes Governor of Maryland	14
III.	Petitions urging the Assembling of the Legislature	21
IV.	The Spirit of Compromise	36
V.	Rumors of Plots against Lincoln	43
VI.	Outbreak of Hostilities	51
VII.	Calling of the Legislature	62
VIII.	Assembling of the Legislature	71
IX.	Rupture between Hicks and the Legislature	97
X.	Suppression of the Legislature	110
XI.	The Legislature of 1861–2	119
XII.	Hicks in the Senate	125
Conclusion		129

PREFACE

This work does not attempt to cover the history of Maryland during the early period of the Civil War; nor even to be a full account of the political agitation in the state at that time. I have endeavored simply to trace the course of Governor Hicks, but in doing so, have found it advisable to mention events which had no direct connection with him. A concise statement of these from time to time is necessary to show the setting in which Hicks was placed. Consequently, the importance of the topics discussed can by no means be measured by the respective degrees of fulness of treatment given to them. The data available for a study of the period are numerous; but they are generally so partisan and biased in character, and withal so contradictory, that attempts at drawing conclusions from them are, on the whole, hazardous. The course of events during this period may be traced with a fair amount of assurance, but the influences and the causes which are behind these are wrapt in much obscurity.

The sources which have been found most valuable are:

I. Newspapers.

II. Private correspondence; especially that of Hicks, including thousands of letters, papers, etc.

III. "War of the Rebellion, Official Records of the Union and Confederate Armies." Moore's Rebellion Records are useful, especially for giving the views of the press during the period under discussion.

IV. Official records in Annapolis, such as the Proceedings of the Executive and the Letter Book of the Executive.

V. State publications; as the journals of the Legislature and the laws of Maryland.

VI. Many helpful suggestions have been received from those who lived at the time, and from other persons who have given the subject thought and study.

The work was undertaken at the suggestion of Dr. Bernard C. Steiner, whose advice has been very helpful.

In the great political struggle which immediately preceded the greater conflicts of open war and attempted disunion, three states, lying between the North and the South, slaveholding, yet allied in many interests with the free states, stood out with special prominence. These states were Kentucky, Virginia and Maryland. Kentucky, through her favorite son, the "Great Compromiser," had time and time again stood between the heated factions of slavery and anti-slavery. Upon the death of Clay, his mantle seemed to have fallen upon a Kentuckian, fully as earnest, perhaps not so talented. In Crittenden is seen the last of those great men who had devoted their life-long efforts to attempts to ward off what has been so often called "the irrepressible conflict."

Virginia, on account of her population and resources, would naturally prove a strong factor to either of the sides upon which she should cast her lot. Bound by the strongest of ties to a Union which she had been so instrumental in creating, Virginia at this time passed through a struggle which will long be memorable; a struggle in which the doctrines of devotion to the Union and devotion to state sovereignty sought the mastery. Even when hope was really gone, after the failure of the Peace Conference and of Congress to stay the tide of disunion, Virginia still lingered until the guns of Fort Sumter had sounded the death-knell of compromise and of peace.

The third state in this category absorbed attention throughout the country—not so much because of her population, which was comparatively small; not because of her wealth, which was not so considerable; nor was it because her representatives in public life were men of unusual

ability and prominence. Maryland was, however, supremely important from her geographical position. In case of the secession of Maryland, the seat of the Federal Government would be practically within her borders. Even if the District of Columbia should not revert to her, at any rate the capital would be enclosed in a foreign land. Maryland was essential to the United States Government for the reason also that through the state passed all the direct avenues of approach to Washington from the North. Says the greatest of the biographers of Lincoln: "Of more immediate and vital importance, however, than that of any border slave state, was the course of Maryland in the crisis."[1]

It is for these reasons that the course of events in this state was anxiously watched, and pressure of unusual degree brought to bear upon her from both northern and southern states. Consideration of these attempts and of Maryland's action at this crucial period in American history is certainly of general importance. During this period the figure which stood out in greatest prominence in Maryland is that of Thomas Holliday Hicks, not because of any brilliancy, for he was a man of very moderate amount of ability, but simply because as Governor of the state he took advantage of his position to follow a certain course which was momentous in its results. His persistent refusal to call the Legislature, in spite of constant agitation for the same during the six months which followed the election of Lincoln, and his struggle with the so-called "Rebel Legislature" after it had met in session, constitute a stirring chapter in Maryland history.

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[1] Nicolay and Hay: Abraham Lincoln, volume iv, p. 93.

GOVERNOR THOMAS H. HICKS OF MARYLAND AND THE CIVIL WAR

CHAPTER I.

EARLIER CAREER OF HICKS.

Thomas Holliday Hicks, the oldest of thirteen children, was born on September 2, 1798, in Dorchester county, Maryland. His early life was spent on a farm, with only slight opportunities offered him for obtaining a good education. Entering politics at the age of twenty-one, he was from this time on almost constantly in positions of public trust. He was elected sheriff of the county in 1824, and a few years later was a member of the state legislature. In 1836, he became a member of the state electoral college, was a member of the legislature again, and in 1837 served on the Governor's council. He was Register of Wills of Dorchester county during the years 1838-1851.

Hicks was opposed to the calling of a State Convention in 1850, but was afterwards chosen as one of the four to represent his county in the revision of the constitution. This convention met in the chamber of the House of Delegates in Annapolis on November 5, 1850. Considerable delay ensued before the convention organized and settled down to work,[1] much to the disgust of Hicks, who on January 13, 1851, introduced a resolution providing that sessions be held on three nights of every week to afford opportunities to members for making "fancy speeches and explanations."

[1] Charles Chapman of Charles County was eventually chosen as permanent chairman.

On the whole Hicks took a fairly prominent part in the discussions which were held in the convention.[3] He was violently opposed to the election of judges by the people on the grounds that this method tended to diminish the independence of the judiciary. Some of the measures advocated by Hicks were quite radical. For instance, he desired that the convention should insert clauses forbidding, for a period of five years, any of its members from holding any office which was to be provided for by the proposed constitution.[3] He wanted also a provision adopted in the homestead laws by which if any man with a family should die leaving property and money in value less than five hundred dollars, the state should give this sum to his family. This motion was lost.[4]

On several occasions during the session of the convention, Hicks had offered resolutions providing for the possibility of a division of the state. On May 10, he moved "That it shall be the duty of the Legislature whenever a majority of the delegates from the Eastern Shore shall require it, to pass an act authorizing the qualified voters of the Eastern Shore of the state, at the next regular election thereafter, to determine for or against a withdrawal of that part of the State of Maryland, known as the Eastern Shore, from the Western Shore, for the purpose of uniting the same with the State of Delaware; provided such withdrawal and union be peaceable, mutual and in accordance with the authority of the United States."[5] Hicks in de-

[3] No attempt will be made in this paper to consider the work of the convention as a whole, but only certain phases of it.

[3] Proceedings of Maryland State Convention of 1850-1, p. 539.

[4] Proceedings of Maryland State Convention of 1850-1, p. 352.

[5] Proceedings of Maryland State Convention, 1850-1, p. 747. The last clause was not inserted in the previous resolutions bearing on the subject introduced by Hicks.

During the stormy days of 1860-1 the charge was brought frequently against Hicks that in 1851, he had advocated a secession measure in the convention of that year. The lack of foundation of this charge is very obvious. Hicks advocated the right of a por-

fense of his own motion stated that he did not desire a division of the state, but simply wanted the abstract right of separation formally stated.[6]

The motive which prompted Hicks to offer this resolution was the feeling which prevailed quite generally on the Eastern Shore, that it had been unjustly treated in being obliged to pay a proportional share of the large state debt which had been incurred by the state in fostering works of internal improvement. From these the Eastern Shore claimed to have received no benefits. Hicks vehemently demanded: "Are the people of the Eastern Shore to be retained as mere serfs, hewers of wood, and drawers of water for the city of Baltimore?" In fact, there was noticeable at this time that feeling of fear, which has so often found expression in Maryland history, that Baltimore[7] was planning to prey upon the rest of the state; and that if ever that city should acquire a controlling power in legislation, it would rule with an iron hand. The western part of the state was also thought to have been unduly fostered by money drawn from the state treasury.

The resolution of Hicks was defeated, though a majority of the votes cast by members from the Eastern Shore were in favor of it.[8] In the end, the convention opposed the undertaking of internal improvements by the state.[9]

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tion of a state to demand a separation from the remaining part. No question of withdrawing from the Government of the United States is involved.

[6] Debates of Constitutional Convention of 1850-1.

Hicks, a number of years later, declared in a speech in the United States Senate, that he had introduced the resolution, not to declare an "inherent right," but simply to give the people an opportunity to vote on the question.—Congressional Globe, 1862-3, volume iv, p. 545.

However from a consideration of the speeches Hicks made in the convention, it seems clear that his memory had failed him in the matter.

[7] Debates of Maryland Constitutional Convention, April 10, 1851.

[8] Vote of 27 to 46. Proceedings of Maryland Constitutional Convention, 1850-1, p. 747.

[9] Constitution of 1851, Article III, Section 22.

CHAPTER II.

HICKS BECOMES GOVERNOR OF MARYLAND.

On the formation of the American, or Know Nothing party, Hicks left the Whig party, then in a state of rapid decline, and became associated with the former.[1] By a provision of the Constitution of 1851, the Eastern Shore was entitled to the Governor to be elected in 1857.[2] The convention of the Know Nothing party met on July 23, and five candidates were placed in nomination.[3] Hicks, who had been one of the lowest men, received the strength of the Purnell party on the fifth ballot. On the seventh ballot he was only one vote short of a majority, whereupon a member changed his vote in Hicks' favor. The nomination was then made unanimous. That afternoon Hicks appeared before the convention, and in accepting the nomination, declared his abiding belief in the principle of "America for Americans only."

The campaign which followed was characterized by much excitement and employment of personal abuse. According to the returns, Hicks carried Baltimore by 9639, and the state as a whole by 8460. Claims of wholesale fraud were made, and certainly much illegality in the election occurred, though whether sufficient to have changed the result cannot be estimated satisfactorily. On January 13, 1858, Hicks delivered his inaugural address in the Senate

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[1] In early life Hicks was a democrat. Speech by him in United States Senate, Cong. Globe, 1863-4, volume iv, p. 2263.

[2] Article II, Section V.

[3] Purnell of Worcester County; Hicks of Dorchester County; Cox of Talbot County; Sykes of Harford County; and Ricand of Kent County.

[4] Baltimore Sun, July 24, 1857; Baltimore American, July 24, 1857.

Chamber, and entered upon his duties as Governor of Maryland. On the whole, his speech embodied the tenets of the Know Nothing party. He spoke of a necessity of protecting the American workman; the granting of money by the state to sectarian schools was approved of only under certain conditions. He expressed a fear of the growing population of free negroes, and "Maryland's favorite scheme of colonization" of the blacks was advocated. In regard to the great question which was distracting the country, and which was soon to reach a solution by resort to war, Hicks declared that "Maryland is devoted to the Union and all of the states," and has "never listened to the suggestions of disunion from the Southern states, and has refused to join with the misguided people of the Northern states in their assaults on slavery."[8]

The relations between Hicks and the Legislature of 1858 will not be dwelt upon here, as the subject has received ample treatment elsewhere.[9] The Know Nothing party had reached the time of its decline, and in the elections of November, 1859, lost the Legislature to the Democrats.

The raid of John Brown in October, 1859, had revived more strongly than ever the fear of a negro insurrection; while the way in which Brown was regarded by many persons in the northern states served to intensify the bitterness of feeling which existed between the two great sections of the country. The Maryland Legislature, with a view of meeting any outbreaks among the negroes, and also of preventing radical abolitionists from fostering and assisting such uprisings, appropriated $70,000 for the purchase by the Governor and the Adjutant General of arms and military accoutrements for distribution among local military companies throughout the state.

Almost as soon as the Legislature met, resolutions were

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[8] Documents of the Senate of 1858, Document "B."

[9] Know Nothing Party in Maryland, Dr. Frederick Schmeckebier.

passed which declared that any confederation with the Republicans in Congress by representatives from Maryland would be in direct opposition to the wishes of the people of the state. Subsequently Henry Winter Davis was censured for voting for Pennington, a Republican, for Speaker of the House of Representatives.

On February 10, the House of Delegates requested Hicks to submit to it a copy of the correspondence which had passed recently between Governor Gist of South Carolina and himself. The latter promptly complied. Gist had written to Hicks enclosing resolutions, unanimously passed by the South Carolina Legislature, which requested Maryland to send deputies to a convention of the slave states to consider measures for "concerted action." Hicks in reply deprecated any measures looking toward secession. Gist retorted that he had said nothing about secession. Nevertheless, Hicks attempted to show him that a logical interpretation of his letter certainly indicated an advocacy of disunion.[7] The correspondence between the governors, and the resolutions of the Legislature of South Carolina, together with the resolutions of the Legislature of Mississippi, which had accepted the invitation of South Carolina and had urged the slave states to send deputies to Atlanta on the first Monday in June,[8] were considered by a joint committee of the two houses of the Maryland Legislature. Resolutions were framed and adopted which expressed indignation at the methods pursued by the opponents of slavery, but at the same time stated a determination "to cling to the Union as long as its great principles can be preserved and the blessing for which it was intended can be secured, but our deep and solemn conviction that the Union must be torn in fragments unless equal rights to all sections of the country are sacredly preserved.

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[7] House Documents (Md.), 1860. Document T; Senate Documents (Md.), 1860, Document F.

[8] House Documents (Md.), 1860, Document GG.

We also respectfully but earnestly desire to assure our brethren of South Carolina, that should the hour ever arrive when the Union must be dissolved, Maryland will cast her lot with her sister states of the South and abide their fortune to the fullest extent." Thus the Maryland Legislature put itself upon record.[9]

The year of 1860 would be notable in American history because of the political turmoil by which it is characterized, even if it did not mark the beginning of the struggle for disunion. The Democratic party was still strongly entrenched throughout the country. The Whig party had ceased to be a political factor, and its elements had been absorbed in the North and West mainly by the rapidly growing Republican party; while in the "Border and Southern states" the old spirit of compromise was represented by various parties, more or less local in extent and different in nature and aims, which may be classed roughly under the title of the Union or American parties. This element, considered as a factor in legislation, was hopelessly in the minority, but at times held the balance of power.

Plans to unite all the forces which were in opposition to the Democratic party were frequently considered, especially in the councils of the American party. The latter based its hopes upon the conservative elements in the Republican party gaining the mastery over the radical wing, which was represented by such men as Greeley and Chase, and which was strongly opposed to any compromise on the slavery question. The former faction was thought to be willing to sacrifice a part of the tenets of the party for the sake of forming a coalition against the Democrats. As stated above, Henry Winter Davis, an American, or Know Nothing in Congress from Maryland, voted for Pennington, a Republican, for Speaker of the House of

[9] House Documents (Md.), 1860, Document KK; Senate Documents (Md.), 1860—Document CC.

Representatives—an act which called forth a vote of censure from the Maryland Legislature in 1860. In doing so, Davis believed that the Republicans, in return for the assistance of the Americans in Congress, would be willing to support Bates or whoever should be the nominee of that party for President.[10]

However as time passed, the chances that the Republicans would support the candidate of the American party for the presidency constantly grew less, if it may be said that such chances ever existed.[11]

When the time for making nominations arrived, it was very clear that no coöperation would take place between the Republicans and the Americans. Bell and Everett were then selected by the latter as standard bearers on the platform of the "Constitution, the Union, and the enforcement of the laws." The hopelessness of carrying the election was apparent to the most enthusiastic of the Americans unless a bargain could be made if the election should be thrown to Congress. Bell himself only expressed hopes of carrying six states.[12]

In the campaign which followed, Hicks heartily supported Bell and Everett, and denounced the parties of both "Democracy and Abolitionism" as being "sectional and tending to a dissolution of the Union."[13] As Maryland had been the banner state of the American party in 1856, strong

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[10] Letter of H. W. Davis to T. H. Hicks, written in February, 1859 (MS.).

[11] Lincoln said in a speech in Cincinnati in September, 1859, that putting a compromise man on the Republican ticket would not gain any slave state except possibly Maryland and would be disastrous to the party in the North.—Nicolay and Hay: Abraham Lincoln, volume 1, 592. Such ideas soon dominated the Republican party.

[12] Missouri, Tennessee, Kentucky, Maryland, North Carolina and Virginia. See letter of Bell to Hicks, June 2, 1860 (MS.).

[13] Letter of Hicks to Boston Clipper, May 25, 1860 (MS.).

It was reported that Hicks had supported Lincoln, but this statement he denies most strenuously in letters written both at this time and subsequently.

hopes were entertained of carrying the state again, though the party had lost the Legislature the year before, and very recently the municipal election in Baltimore.

The pro-slavery sentiment of the state was naturally inclined to favor the radical wing of the Democratic party, and to accept the advanced views enunciated by Maryland's gifted son, Roger B. Taney in the Dred Scott case. Consequently Douglas polled less than six thousand votes in the state. Lincoln did not receive half of this number. Baltimore furnished about a half of the entire Republican vote; Allegany county about one-fourth. The northern counties and those of the western part of the state furnished nearly all of the remainder. Several counties gave the Republican candidate only one vote, and two none at all. The campaign had been an exciting one, and resulted in the selection of Breckenridge electors by a small plurality.[14] The indefinable feeling of uneasiness and alarm which sprang up in the Southern states as a result of the election of Lincoln was very noticeable in Maryland. The accession to power of the "Black Republican Party" and the plans, according to rumor, of the "Abolitionists" were met by inflammatory utterances throughout the South. George William Brown, who though elected as a reform candidate in opposition to the Americans, yet had zealously supported Bell and Everett, subsequently spoke in his inaugural address, as Mayor of Baltimore, of this uneasiness, but insisted that the election of Lincoln presented no just cause for disruption. "The policy of Maryland," he said, "is to adhere to the Union."[15] Yet even before November 20, at least two of the newspapers of the state, the Centreville Advocate and the Patapsco Enterprise, had shown decided leanings toward secession.[16]

In the dissatisfaction which prevailed generally in Mary-

[14] The Sun of November 24, 1860, gives as official: Breckenridge, 42,482; Bell, 41,760; Douglas, 5,966; Lincoln, 2,294.
[15] Baltimore American, November 13, 1860.
[16] Ibid., November 19, 1860.

land with the election of Lincoln, Hicks shared, and looked with gloomy forebodings upon the result of the elevation to power of that party which was so strongly anti-slavery. However, it is quite certain that he was not at this time in favor of the use of force to prevent Lincoln's inauguration, as has been frequently stated. The letter written by him to E. H. Webster on March 9, 1860, has been cited freely as damaging evidence. The letter is best regarded as an imprudent attempt at humor between a governor of a state and an intimate friend. Undoubtedly, the matter would never have come up for discussion if the opponents of Hicks, after the war had begun, had not seized this opportunity of trying to show inconsistency in his course.[17]

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[17] Speech of Hicks in United States Senate on February 28, 1863, and correspondence between Hicks and Webster (MS.).

State of Maryland, Executive Chamber,
Annapolis, November 9, 1860.

Hon. E. H. Webster.

My Dear Sir:—I have pleasure in acknowledging receipt of your favor introducing a very clever gentleman to my acquaintance (though a Democrat). I regret to say that we have at this time no arms on hand to distribute, but assure you at the earliest possible moment your company shall have arms; they have complied with all required of them on your part. We have some delay in consequence of contracts with Georgia and Alabama ahead of us, and we expect at an early date an additional supply, and of the first received your people shall be furnished. Will they be good men to send out to kill Lincoln and his men? If not, I suppose the arms would be better sent South. How does the late election sit with you? 'Tis too bad. Harford nothing to reproach herself for.

Your obedient servant,

THOMAS H. HICKS.

The letter was published frequently during the year after it was written.

CHAPTER III.

PETITIONS URGING THE ASSEMBLING OF THE LEGISLATURE.

As soon as the people of the state had recovered somewhat from the uncertain feeling of bewilderment which followed the announcement of the result of the election, petitions began to pour in upon Hicks. Some of these urged a convening of the Legislature in special session; the others opposed any such course. By the former, no definite line or lines of policy seem to have been agreed upon as to what the Legislature should do after being assembled. In the main, however, a common desire was expressed that this body should take suitable steps to preserve peace in the state, and to guard the honor and welfare of Maryland if these should be imperiled. The people of Maryland by a vast majority were willing to unite with the states further South in protesting strenuously against the failures to execute the Fugitive Slave Laws. They saw in the election of Lincoln a blow which threatened not only the extension of slavery, but also the formal protection of that institution by the highest authorities in the land. The disunion movement in the South was anxiously watched, and a feverish desire prevailed that the state through its legal authorities should take some formal action in the crisis; preferably to make some attempt to stay the hand of disunion, but at the same time to secure from the incoming administration some guaranty for the protection of slavery—for at this time the secession of Maryland was desired by only a small portion of the inhabitants. A somewhat larger portion looked upon it as a final resort. The question of secession of the state was not considered, in the main, by the peti-

tions which were presented, nor indeed by the writings and speeches of the month following the election. Later, when the states in the South began to pass ordinances of this nature, the feeling that Maryland should break from the Union grew stronger.

On the 27th of November, a memorial signed by Ex-Governor Pratt, Sprigg Harwood, and other prominent citizens, was presented to Hicks, requesting him to summon the Legislature in special session immediately, in view of the gravity of the situation. On November 27 he replied, making his first public utterance on the subject. He contended that a session of the Legislature would only increase the excitement, then becoming too prevalent in Maryland. He expressed his entire sympathy with the South for the wrongs it claimed to endure, and his indignation at the refusal of the Northern people to enforce the provision of the Fugitive Slave laws. The Governor likewise made the very pointed suggestion that it would be better for the people to await the policy of the incoming administration before rushing to conclusions as to what would probably be done. He expressed his belief that in spite of the extreme views of some of the prominent Republicans, on the whole, the people of the North were too conservative to urge radical measures against slavery. The low condition of the finances of the state and the probable expenses of an extra session were dwelt upon. In this letter and in later utterances Hicks did not claim to follow the dictates of his own judgment alone, but insisted that the people of the state as a whole were opposed to the calling of the Legislature.[1]

From this time on mass-meetings and similar gatherings were held all over the state. A consideration of the accounts of these meetings does not lead to very satisfactory conclusions. Correspondents of Governor Hicks and

[1] Letter to Pratt was published in the Baltimore American, November 29, 1860, and exists in manuscript.

of the newspapers show opinions so evidently biased, and make such contradictory statements, that attempts, even of a general nature, to form estimates of the numerical strength of the adherents of the different parties in the state are extremely hazardous. On the whole, the assertion may be made that at this period a large majority of these meetings adopted resolutions which expressed strong hopes of seeing Maryland remain in the Union, while it would seem that the larger number of them desired a session of the Legislature.[2] The resolutions adopted in the western part of the state abound in protestations of devotion to the Union. In the southern part of Maryland the resolutions passed are mainly taken up with a recital of wrongs which the South was said to endure. As an instance of the intense feeling in that section, a meeting which was held at Beantown, Charles county, requested all the Republicans who had voted for Lincoln to leave the county by January 1, 1861. No general exodus was necessary to gratify this "request," since the entire number of persons in the entire country who had incurred displeasure by their choice for President was only six.[3]

The Annapolis Gazette was generally believed to be the organ of Hicks, though the latter denied that any paper could claim its utterances to be possessed of any official sanction from him.[4] Still Hicks at times used this paper as his mouthpiece, and its columns were eagerly watched to detect some evidence that he was weakening in his determination not to call the Legislature together.

On December 5, 1860, Hicks wrote to Captain Contee, of Prince George's county, in reply to a letter in which

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[2] No absolute accuracy is claimed for this statement. Even if true, it proves but little, for at this time the opponents of the Legislature were not very active.

[3] Baltimore American, December 3, 1860; Baltimore Sun, November 24, 1860.

[4] Letter to Legrand from Hicks (MS.).

Contee, in view of the crisis which existed, had urged the necessity of all persons subordinating all party and sectional feelings to concerted efforts to save the Union. Hicks fully agreed with him and deprecated the attempts of "reckless and designing men to precipitate a dissolution of the Union before the people shall have had time for the reflection so imperatively demanded by the vast interests involved in the threatened separation, whether that separation be peaceful or bloody" etc.[5] In an address delivered at the Maryland Institute Building, on February 1, 1861, S. Teackle Wallis declared that this letter to Contee indicated the high water-mark of Hicks' secession doctrines. However, it cannot be said that Hicks actually advocated secession then, though he came quite close to doing so. In previous letters and public utterances upon the subject he had, it is true, intimated that a time might come when the South would not be able to submit if excessive insults were heaped upon her. Now Hicks took the stand that the South would not be justified in leaving the Union, even if the existing condition of affairs should be maintained much longer. But he still insisted that the entire question was far too serious to be decided on the spur of the moment, and without weighing long and carefully the grave consequences which would surely result from the taking of any radical step. In this letter Hicks expressed as strongly as ever his devotion to the Union and his intention to do what he could to prevent a separation of the states.[6]

The delegates who had represented Harford county in the Legislature during the preceding session wrote to E. G. Kilbourn, Speaker of that body, stating that if all the members of the Legislature resign, Hicks might be

[5] Correspondence between Contee and Hicks exists in manuscript and also was published in the daily papers of the period. Hicks at the time requested permission from Contee to publish the correspondence.

[6] Baltimore Exchange, December 19, 1860.

induced to issue a call for a new election. Kilbourn replied that there was no reason to believe that Governor Hicks would take measures to bring about the election of a new Legislature. In Kilbourn's mind there existed serious objections to the leaving of the executive arm of the government to cope alone with the situation, and thereby allowing Governor Hicks further opportunities of misrepresenting, as he claimed, the will of the people. At any rate, it was not advisable in such perilous times, to have the Legislature out of existence, even for a short time; on the contrary, it should be ready at a moment's warning to take counsel for the public welfare. Meanwhile the efforts of those who disapproved of the convening of the Legislature, as being inexpedient and unnecessary, by no means ceased. Hicks was constantly in receipt of letters which sustained his course.

The situation in Maryland soon attracted attention in the country at large, and Hicks' policy of inaction was discussed widely by the press. Senator Crittenden, Ex-President Pierce, and President Buchanan[7] were among those who expressed their approval of the course followed by Hicks. Vice-President Breckenridge was quoted as having expressed views of the same nature. The influence that an endorsement of Hicks by Breckenridge would have had upon the people of Maryland was counteracted by a public letter from him in which he indignantly denied the statement attributed to him.[8] A correspondent in Rome, Italy, wrote Hicks that the press of England and France speak in "terms of the highest approval of your course."[9] The attitude of the newspapers in general of the Southern states in commenting upon Hicks may easily be surmised. During the winter of 1860-61, commissioners from three of

[7] Rev. William Hamilton in a letter to Hicks, January 27, 1861 (MS.).

[8] Was written to the Baltimore Exchange and appeared in its columns on January 4, 1861.

[9] Letter of E. S. Courtney to Hicks, February 5, 1861 (MS.).

the Southern states waited upon him, to urge coöperation with them in founding a new confederacy.[10]

As Mississippi was on the eve of secession, Major A. H. Handy, a native of Maryland but for many years a citizen of Mississippi, was sent by the latter to urge Maryland to leave the Union without waiting for preconcerted action by the slave states; but in the meantime to come to some understanding with Mississippi as to a policy in the future. Hicks refused to see Handy officially on the plea that the Constitution of the United States forbad any "league," etc., between the various states without the consent of Congress. However, he had a long informal talk with him, and on the following day sent to him a written reply which was given to the public, and is therefore somewhat of the nature of a proclamation. The position taken by Hicks does not differ materially from the expression of his views in previous utterances. Sympathy for the South, devotion to the Union, inadvisability of hasty and violent measures, and the dangers to be incurred by Maryland as a "small border state" in case of war are the main ideas expressed.[11] Before he returned to Mississippi, Handy addressed a mass-meeting at the Maryland Institute Building, in which he declared that it was necessary that Maryland should leave the Union immediately. The crowd present, in the manner which is characteristic of such gatherings, expressed vigorously both approval and disapproval; while a "call for three cheers for Governor Hicks was responded to with a mingled chorus of cheers, groans and hisses."[12]

Hicks took no trouble to conceal his lack of confidence in the members of the Legislature. In the preceding session considerable friction had occurred between the Gov-

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[10] Mississippi, Alabama and Georgia.

[11] The letter exists in manuscript and was published at the time.

[12] Baltimore American, December 20, 1861; Baltimore Exchange, December 20, 1861, etc.

Handy visited Somerset County before his return and made addresses there. Letter of J. A. Spence to Hicks (MS.).

ernor and the Assembly, which had been controlled in both houses by the Democrats. The position of Hicks was very galling to many of those who advocated a convening of the Legislature. They objected to his assertion that he alone, and not the duly elected representatives of the people, was competent and cool-headed enough to act discreetly and advisedly in such a crisis.

What would have been the course of the Legislature if it had been convened at the beginning of the year is, of course, a matter for speculation only. In those of the border slave states in which the legislatures were in session, the advocates and opponents of secession were represented by parties of almost equal strength, and definite action was seldom taken before protracted struggles had taken place. In Maryland very many of those who advocated a special session of the Legislature insisted that they did not want the state to secede, but simply desired an opportunity to attempt to act as mediator between the heated factions of both the North and the South; or at the farthest, to join with the Southern states in demanding guarantees that the incoming administration would require the repeal of the obnoxious features of the Personal Liberty laws and the enforcement of the provisions of the Fugitive Slave Laws. Hicks in reply referred to the fact that Speaker Kilbourn had heartily endorsed the resolutions of a mass-meeting which had asked for the secession of the state; besides other members of the Legislature had expressed views which favored disunion.[13] But it was said, granted that the Legislature would take steps looking towards secession, what right has Governor Hicks to thwart the expression of the will of the people as expressed through its chosen representatives? Hicks retorted that the people could not well express their convictions in the present crisis through legislators chosen eighteen months before the question at issue had really come up. The only way to obtain the

[13] Proclamation to People of Maryland, January 3, 1861 (MS.).

wishes of the people, he held, was by a convention,[14] but he insisted that the people were in an excited condition, and consequently not in a mood to give the matter the consideration due in view of the gravity of the questions involved. There was nothing to be gained by haste, but in a policy of prudent delay, Maryland's true welfare lay. Should she, after weighing well the consequences of breaking away from the Union, decide to sever ties hallowed by long associations, and should she care to imperil one of the most important of her domestic institutions, slavery, by depriving herself of the constitutional safeguards, weakly enforced though they were by the citizens of the North, should she care to bring, as it were, Canada to her borders, surely there was time for deliberation. Hicks scorned the suggestion that the Southern states would not be glad to welcome Maryland into a Southern confederacy at any time, in spite of some of the vehement remarks of some of the Southern leaders and the editorials of some of the newspapers, especially the Charleston Mercury, to the contrary. Before the inauguration of Lincoln, and even somewhat later, very few of those in Maryland who denied the right of secession, believed that coercion would be used to force a state to return to her allegiance to the Union. Hicks did not contemplate that forcible means would be adopted by the United States Government, but he had an idea that bloodshed would result before the division in the country was completed. From the horror of such a fate, he expressed a desire to preserve Maryland.

As the year 1860 drew to its close, excitement steadily increased and public meetings were more and more frequently called. One of the most important of these was held in Baltimore, at the Universalist Church, on Calvert street, on December 22. A committee was appointed

[14] Hicks declared in his message to the Legislature on December 4, 1861, that he would have summoned a convention if he could have done so without convening the Legislature. See Document A, House Documents, 1861-2.

to await upon Hicks and to urge him to call the Legislature together immediately. Coleman Yellott, afterwards a radical supporter of the cause of the Confederacy in the Legislature of the following year, had stated in the meeting that he had just come from an interview with Governor Hicks, who had agreed with him on every point except that of the necessity of a session of the Legislature. Hicks had said that he had spent sleepless nights over the situation, and desired most earnestly to follow the voice of Maryland.

The committee found Hicks still unwilling to summon the Legislature. Hicks took the occasion to deny having endorsed Henry Winter Davis, and read to the committee the letter which he had written to Senator Crittenden, in which it was rumored Hicks had eulogized Davis. H. W. Davis was decidedly unpopular with the sympathizers of the disunion movement in the South, and indeed with the rank and file of the people generally in the state, because of his pronounced views in opposition to the usual interpretations of the doctrine of states rights, and because of his leanings towards the Republican party. A controversy[18] subsequently took place between Hicks and Legrand, the chairman of the committee which had awaited upon Hicks, as to how far the words of the former could be construed as an endorsement of Davis. Hicks then decided to make public the letter to Crittenden.[19] Hicks' language is not strictly an endorsement of Davis, but commends his "honesty and pluck." The substance of the letter is of the nature of an appeal to Crittenden to use all of his efforts to preserve the Union. Hicks is almost pathetic in the expression of his hopes that in some way this may be done.

On December 28, 1860, a meeting of a number of the members of the Senate of Maryland took place in Balti-

[18] Papers bearing on this controversy are to be found in manuscript. The press of the day also contained accounts.

[19] The letter to Crittenden was published in the Baltimore American, January 8, 1861.

more by whom a memorial was drawn up and sent to Hicks requesting him to summon the Legislature. Eleven senators signed the petition and five wrote approving letters.[17] Governor Hicks replied in a letter of January 5 to this request.[18] He sharply resented the action of the senators as an attempt to dictate to him his policy, and quoted the Declaration of Rights of Maryland and the Constitution of the state to prove that the Executive and Legislative departments of governments are entirely independent of each other; and claimed that the power of summoning in extra session the Legislature lay entirely in the hands of the Governor of the state. He offered, however, to consider the memorial as coming merely from citizens of the state. Alongside with this reply, he published a copy of a "Proclamation to the People of Maryland," dated January 3. Hicks had during the previous five weeks published letters which had set forth his views, but he had never made a formal statement to the public at large. The proclamation bears traces of careful preparation and consists of an exhaustive exposition of the arguments which Hicks had previously used against the advisability of convening the Legislature, supplemented by statements of other arguments which to Hicks seemed weighty. He condemned as strongly as ever the evasions of the Fugitive Slave Laws, and even declared that he hoped never to live in a state where slavery did not exist. He admitted the possibility of a division of the country, and the justness with which the South could demand this as a last resort. Yet he said that any attempt by the

[17] One of the signers, Senator Goldsborough of Dorchester County, the home of Hicks, wrote on January 2, 1861, to the Baltimore American, stating that he believed that his constituents differed widely from him in the matter. Senator Kimmel of Frederick County was among those who refused to sign the memorial of the senators. He shortly afterwards wrote a letter enthusiastically praising Hicks and suggesting him as a candidate for the Vice-Presidency in the next election.—Letter of Kimmel to Representative J. M. Clayton, January 21, 1861 (MS.).

[18] Baltimore American January 7, 1861.

Southern states to break away, at that time, would be unjust and essentially non-effective. Apparently the ideas of secession and revolution were somewhat confused in his mind. The arguments he made use of were not those which are based upon ethics, questions of "inalienable rights" or of constitutionality, but upon the consideration of the probable effects of an attempt at secession upon the material welfare of the state. He closed with a touching appeal to be allowed to spend his few remaining days in the Union in which he had lived so long. The proclamation of Hicks, taken as a whole, is an exceedingly good presentation of the arguments in favor of a policy of inactivity, and as such received favorable comment throughout the North.[19]

On January 10, a large meeting was held at the Maryland Institute Building. "Union" speeches were made by William Collins, Augustus C. Bradford, Reverdy Johnson, and others. The speech of Johnson was especially strong, and embodied a denial not only of the advisability of secession, but also of the constitutional right thereto.

On the same day a conference of prominent citizens of different political affiliations met and discussed various means to remedy the evils which were distracting the country. S. Teackle Wallis submitted the majority report which urged Hicks to summon the Legislature. In case he should refuse to do so, a committee was appointed which was to invite the people of Maryland to send dele-

[19] Just before publishing the proclamation Hicks made a visit to the Eastern Shore and claims to have found a general endorsement of his course there. However feelings were running so high that he was threatened with personal violence on the streets of Cambridge by an angry opponent.—H. Thompson to Hicks, January 8, 1861 (MS.).

An enthusiastic correspondent in New York sent verses which he alleged were written by a "beautiful and talented lady" who fell into a poetic rhapsody on reading Hicks' proclamation. The document exists in manuscript and was widely published at the time.

gates to a state convention. The minority report was very long, and declared Maryland's true policy to be "masterly inactivity." It questioned the right of secession, and stated that if redress should be denied the South, that the Southern people would be justified in taking decisive action on the grounds of the right of revolution against tyranny. Indirectly, an approval was expressed of Hicks' course. The minority report was voted down on the plea that the conference had assembled only for consultation purposes, and not to set forward any definite principles.

The conference adjourned without passing either set of resolutions. On the following day it reassembled and passed the resolutions to the effect:

I. Maryland is true to the American Union.

II. Constitutional measures are sufficient to remedy the present crisis. The Crittenden compromise is favored.

III. A committee to be appointed to urge the Governor to assign the last Monday in January as a day when the people of the state could decide whether or not a convention should be held. If the vote should be in the affirmative, the Governor then to be requested to appoint the second Monday in February as the day on which the people should select their delegates to the convention.

These resolutions were of the nature of a compromise. An attempt had been made to include in them a clause condemning any coercion of the seceding states. The conference, however, decided that it was best not to consider that matter. The opinions of the members of the conference, as far as expressed in the meetings, indicate a strong opposition to the use of coercion by the United States Government; while, at the same time, the belief was almost general that the Union should be preserved if that could be done with honor.[30]

[30] The committee consisted of: R. B. Carmichael of Queen Anne County; W. T. Goldsborough of Dorchester County; Ross Winans of Baltimore City; A. B. Hagner of Anne Arundel County; A. B. Davis of Montgomery County.

Several interviews took place between the members of the committee and Hicks. However, nothing more favorable could be obtained from the latter than a promise to consider again seriously the question of calling the Legislature, if Congress should fail to pass measures which would bring reconciliation.[23] About the middle of January Hicks received from Governor Curtin, of Pennsylvania, a letter borne by the President of the State Senate and two other citizens. These commissioners congratulated Hicks upon the stand he had taken, and expressed a desire to come to some agreement with him as to a common course to be followed. Hicks declared that he could not receive them officially; nevertheless, he had a long interview with them. In the reply[24] sent to Curtin, he restated his determination to do all in his power to preserve the Union.[25]

On January 24 a letter appeared in a Baltimore paper, signed by Hicks and purporting to be written in reply to a communication from the Governor of Alabama, which was brought by Hon. J. L. M. Curry, who, as commissioner, had been empowered to treat with Maryland with a view to forming a "mutual league" for the protection of the rights of the Southern states.[26]

This letter in reply to Curry attracted considerable attention, as it was claimed by some persons that in it, Hicks went back upon his previous utterances. S. Teackle Wallis in a speech on February 1, 1861, in which he

[23] See accounts in Baltimore Sun, Baltimore American, Baltimore Exchange, etc. Also, in manuscript, from Hicks to Carmichael, January 15, 1861; to Hicks from Carmichael, January 15, 1861; Ibid., January 16, 1861; from Hicks to Dr. Jas. J. Duvall, etc.

[24] Hicks was strongly advised at this time by some of his friends not to appear to be on very intimate terms with Curtin, since such an action on his part would be construed as a form of an alliance with the "Black Republicans"; and thereby the strength of the conservative Union men in Maryland would be weakened seriously.—Letter of William Price to Hicks, January 16, 1861 (MS.).

[25] Baltimore American.

[26] Letter now exists in manuscript.

eloquently and bitterly arraigned Hicks for duplicity, claimed to trace a pronounced advocacy of secession through the previous letters and proclamation of the governor, but declared that in the reply to Mr. Curry, Hicks took an entirely different stand. This charge is not entirely justified. Hicks had practically admitted the abstract right of secession, but had never advocated an immediate assertion of that right. He had said that circumstances did not justify disunion, though unless the Northern people should redress the wrongs of the South, he would favor a separation from the Union. He did contradict himself in this respect in that he now declared that Maryland would be unwilling to leave the Union for *any* cause (the italics are his).

He held that secession would soon bring on a war, which would mean ruin to Maryland; and rather than that the state should seek a separation from the Union, she would have her rights enforced under the Constitution of the United States. The argument advanced that secession, even if peaceful, by bringing a hostile country to her northern boundaries, would mean the gradual though absolute downfall of slavery in the state, was undoubtedly sound.

Hicks in this letter did not really consider the right of secession. He merely declared that every state in the Union was prohibited under the Constitution of the United States to enter into "any league" with other states, but he was silent as to whether the Union itself which existed between the states could be broken. On the whole, the tone of the letter shows that Hicks was drifting slowly towards the position of unconditional adherence to the Union. Besides the overtures of the commissioners who came personally from Mississippi, Alabama and Pennsylvania,[35] Governor Hicks was constantly in receipt of communications of various natures from the governors, legis-

[35] A commissioner from Georgia came later.

latures, or conventions of other states. Those from the Northern states commended his policy; those from the Southern states either urged upon Hicks the necessity of some form of coöperation among the slave states, or gave notice that acts of secession had been passed.[36] The governor of Mississippi deemed the matter to be so urgent that he telegraphed to Governor Hicks an announcement of the withdrawal of Mississippi from the Union—an act which called forth a forcible though somewhat rash comment from Hicks.[37]

[36] Among the states referred to are: Indiana, Tennessee, Georgia, Louisiana, Texas.

[37] Hicks wrote on the envelope in which the telegram came: "Mississippi has seceded and gone to the devil." (MS.).

CHAPTER IV.

THE SPIRIT OF COMPROMISE.

Though Hicks had steadily declined to enter into any "league or mutual understanding" with the commissioners sent from the several states, yet he desired some manner of coöperation among the border slave states which would have for its object, the bringing about of a compromise between the parties of the North and South. With this in view, a correspondence was entered into with the governors of Virginia, Tennessee, Kentucky and Missouri.[1] It is not clear what Hicks had in mind, and how far the policy desired by himself differed from the plans which the commissioners from Mississippi and Alabama had advocated. From a consideration of the limited data available, it seems that he reckoned that the border slave states, acting as a unit,[2] could hold the balance of power between the North and the South; and that these states would naturally be inclined to moderation and compromise, since they had felt most severely the injuries complained of by the "Cotton states"; while at the same time, they realized the dangers likely to result from a breaking up of the Union. The opponents of Hicks severely criticised him for this move and declared that he had not the right to pledge Maryland in any way whatever to any line of policy without first consulting the Legislature.[3]

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[1] This correspondence was referred to in his letters to Pratt, Handy, Proclamation of January 3, and in fact in nearly all of Hicks' public utterances at this time.

[2] This idea is but an outgrowth of the plans so strenuously urged by the followers of Clay and Crittenden; and in another form constituted the platform of the Constitutional Union party in 1860.

[3] See editorial in Baltimore Exchange on January 28, etc.

The policy urged by Hicks—though it cannot by any means be said to have been original with him—was not without its merits; and if put into operation, might have prevented hostilities had it not been that the day for compromises had passed and the "irrepressible conflict" had indeed begun.

Yet this movement for consultation was not entirely without fruit. Virginia took the lead on January 19, 1861, by the issuance of an invitation to all the states in the Union to send commissioners to a conference which was to meet in Washington on February 4, 1861. Likewise Virginia sent commissioners to the President of the United States and to the different seceded states asking that all parties abstain from any "acts tending to produce a collision of arms pending the efforts of conference to secure a basis of compromise."[4]

The right of Hicks without the sanction of the Legislature to appoint delegates from Maryland to represent the state was strenuously denied by his political opponents,[5] and questioned by some of his closest[6] friends.[7]

Acting upon the advice of Reverdy Johnson,[8] Hicks replied to Governor Letcher of Virginia accepting the invitation to send delegates.[9] The following men represented Maryland: John T. Dent, Reverdy Johnson, John W. Crisfield, Augustus C. Bradford, William T. Goldsborough, J. Dixon Roman and Benjamin C. Howard.[10] The delegation was an able one and consisted of "strong

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[4] Crittenden; Debates of Conference, Convention of 1861, p. 9.

[5] Baltimore Exchange, January 28, 1861, etc. Resolution of mass-meeting in Baltimore City, February 1, 1861.

[6] Letter to Hicks from E. H. Webster, January 23, 1861 (MS.).

[7] In seven states, New Hampshire, Vermont, Connecticut, Maryland, North Carolina, Indiana and Kansas, commissioners were appointed by the governors of the respective states.

[8] Letter from Hicks to R. Johnson, January 23, 1861 (MS.).

[9] Baltimore American, January 29, 1861.

[10] Howard was added a little subsequently upon the suggestion of R. Johnson. Letter of Johnson to Hicks (MS.).

Union" men, though not all were of the same political party. On the fourth of February, 1861, the conference met in Willard's Hall, in the city of Washington, and immediately chose the venerable John Tyler as President. Eventually twenty-one states were represented, including all of the Southern states which had not passed ordinances of secession and the free states except some of those of the extreme northwest. The fourteen free states easily held control, since the balloting was taken by states, each of which had one vote.

The Peace Conference may be looked upon as the last struggle of the compromisers. In the "Border States," especially, almost all factions seemed to have acted together, though for the last time, to make a gigantic struggle for Union. The Conference contained many distinguished men, and from the conciliatory attitudes which were assumed at first, strong hopes were entertained that much good would result from the meeting.[11] Maryland was represented on the Committee on Resolutions by Reverdy Johnson, who was probably the ablest scholar at the bar in the state.[12]

As might be expected, the representatives from the border slave states were the most active; but even in their ranks, differences of such a radical nature appeared that the chances of an agreement satisfactory to the majority, in even a limited degree, seemed to become more and more remote. The proceedings dragged along, and much time was taken up by the members in making recriminations and in attempts at fixing the responsibility for the unfortunate plight of the country upon the various factions and parties throughout the land. Of course it was understood that the Peace Conference had no power to legislate for

[11] Chittenden, a member of the conference from Vermont, wrote up the account of the proceedings from the notes which he took, and is the chief authority on the subject.

[12] Crisfield was on the Committee on Rules; Howard was temporary Secretary.

the country, but it was thought that the measures there agreed upon would be considered by Congress as especially weighty and worthy of adoption. Perhaps it may be added as an additional motive for holding the convention the partiality of the American people for employing conventions instead of the customary regular legislative bodies in the settlement of grave questions.

Hicks, as has been stated, had long formed plans of consultation among the states, and now labored to secure the success of the Conference. He paid a visit to the body while in session and was received with much cordiality by the members.[13] Lincoln shortly before had sent for Hicks to consult with him in regard to the Maryland appointments; and, in the interviews which took place, Hicks took advantage of the opportunity to urge upon Lincoln that the latter use his influence upon the Republican leaders to secure a modification of their demands for the sake of effecting a compromise.[14]

Roughly speaking, public opinion in Maryland at this time may be said to have been represented by the policy pursued by the delegates from the state in the Peace Conference. These with equal vehemence denounced both secession and coercion. Crisfield, Johnson and Howard even denied the right of secession, but declared as inalienable by an oppressed people, that of revolution. Maryland also refused to admit that the Union was indivisible. Towards the end of the session, Reverdy Johnson introduced a resolution which expressed regret at the action of those states which advocated secession, yet did not pass judgment upon the legality of their course or the nature of their motives. Attempts at secession were "deprecated."[15] The conference by a vote of nine to twelve refused to table

[13] Baltimore American, March 2, 1861.

[14] It was stated at the time that Lincoln offered Hicks a seat in the cabinet which he declined. No satisfactory data on the subject have been found.

[15] Chittenden: Debates of Peace Conference, p. 449.

resolutions which denied the right of secession. Ohio and New Jersey voted with the slave states on four of the motions.[16] On February 27 the Conference agreed upon the Guthrie Report, which followed substantially the Crittenden Compromise measure. Some of the provisions of the report were adopted only by close votes. In the main the chief opposition came from the most northerly of the states, though Virginia, the promoter of the Conference, almost steadily opposed the measures of compromise which were adopted.

The bickering spirit which was so noticeable in the debates, and the approaching inauguration of Lincoln, caused public interest in the Conference to flag; and its resolutions and the conclusion of the session passed largely unnoticed by the people. Indeed, the widely discordant elements present would have prevented the Conference from having much weight, even if the times had been open to such results.[17] Meanwhile on February 1 a large mass-meeting had been held at the Maryland Institute Building. in which resolutions denouncing the course of Hicks in appointing delegates to the Peace Conference as a "flagrant and unconstitutional usurpation of power" had been adopted amid great applause. The resolutions also recommended that the people of Baltimore should vote in primaries on February 5 to select delegates for a convention which was to meet in the "Law Building" on February 7, which body was to choose representatives to a state convention to be held on the 18th of the same month. The counties were also recommended to hold primaries on February 12, and county conventions on the 14th for the same purpose.

This call for a convention was of course without any authority. It had been adopted by those who were in despair of prevailing upon Hicks either to summon the Legislature, or to call a convention. The ground was

[16] Ibid., p. 447. [17] Nicolay and Hay: Lincoln, volume iii, 231-2.

taken that unconstitutional measures were the best that could be adopted under the circumstances. Hopes had been expressed by some of the speakers that the Union might still be preserved, and the Peace Conference about to assemble was looked upon as a means of accomplishing this end. However, one speaker had gone so far as to say that the Union was already a thing of the past, and therefore it behooved the people of Maryland to make arrangements for their position in the future. Throughout the proceedings of the meeting Hicks had been denounced on all sides. Henry May declared that the implied meaning of the course of Hicks was that the people of Maryland were not capable of being entrusted with a serious duty. He added in a letter several days later:[18] "His [Hicks'] conduct is that of an oppressor; and if the people of Maryland longer submit to it, they are, in my humble opinion, only fit to be oppressed." S. T. Wallis was of the opinion that the very reason that Hicks was unwilling to trust the Legislature was sufficient reason why the people of Maryland should have confidence in that body.[19] The course of Hicks was said by him to have been filled with inconsistencies from beginning to end. Another speaker was of the opinion that the most effective and expeditious way of ending the controversy was to gibbet Hicks.[20]

Considerable excitement occurred in the primary elections in the state. In a few cases the counties did not make any selections for members of the convention. Dorchester county, the home of Hicks, sent "Union" delegates, but these were instructed to urge that redress should be given to the South.

The State Conference Convention met on February 18, the various parts of the state being on the whole represented. Judge Ezekiel Chambers on taking the chair stated that he had heard that Hicks was considering very favorably

[18] Letter of May to President of Baltimore Convention; Baltimore Exchange, February 9, 1861.
[19] Baltimore Exchange, February 4, 1861.
[20] Baltimore American, February 2, 1861.

the proposition to summon a convention, and therefore it was best to wait the action of a body legally chosen. Therefore the Conference decided to adjourn until March 12, unless in the meantime Virginia should pass an ordinance of secession; in which case, Chambers was instructed to reconvene the Conference as soon as possible.

The evidence in the matter would seem to indicate that Hicks was weakening in his stand that a session of the Legislature, or a sovereign convention, was neither necessary nor advisable. In a letter written on February 9, he distinctly states that if Congress through the "Committee of Thirty-three"[21] had not been considering plans which aimed at the restoration of harmony and the preservation of the Union, he, long before, would have called a convention.[22] The Conference Convention reassembled on the day appointed, March 12. Stormy sessions took place on that day and on the one following, and little of importance was done. Resolutions of various kinds were read, one set declaring that any attempt by the United States Government to retake any forts seized by the Confederacy would in itself be an entire dissolution of the compact of the Constitution. In the end, compromise measures prevailed, and the convention simply provided for the sending of delegates to Virginia, and decided to wait the action of that state in regard to secession. President Chambers was given the right to summon the Convention whenever he should deem it advisable.[23] The convention was never reassembled. On the outbreak of hostilities, Chambers issued a call for an assembling; but on the appearance of the proclamation of Hicks calling a special session of the Legislature, Chambers countermanded his previous order, declaring that the mission of the Conference was ended.[24]

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[21] Henry Winter Davis represented Maryland on the "Committee of Thirty-three." [22] Letter to Dr. Joseph J. Duvall (MS.).

[23] Baltimore Sun, March 13 and 14, 1861; Baltimore Exchange, March 13 and 14, 1861; Baltimore American, March 13 and 14, 1861, etc. [24] Baltimore Sun, April 25, 1861.

CHAPTER V.

RUMORS OF PLOTS AGAINST LINCOLN.

The belief existed in the minds of many persons that violent measures would be taken to prevent the inauguration of Lincoln. As far back as January, 1861, Governor Olden of New Jersey wrote to Hicks almost imploring him not to yield to the demands of the "secessionists," and expressed his belief that it "is the opinion of many that the peaceful inauguration of Mr. Lincoln depends on the firmness of your excellency."[1] A lady informed Hicks that a Southern sympathizer had told her that he knew of three thousand men in Maryland who had sworn to prevent by force, if necessary, the inauguration of Lincoln.[2] Hicks himself had stated in his proclamation of January 3, 1861: "But my fellow-citizens, it is my duty to tell you that the reassembling of the legislature is wished for by many who urge it with a view to no such specification [acting as mediator between North and South, etc.]. I have been repeatedly warned by persons having the opportunity to know, and who are entitled to the highest confidence, that the secession leaders in Washington have resolved that the border states, and especially Maryland, shall be precipitated into secession with the Cotton States before the 4th of March. They have resolved to seize the Federal Capital and the public archives, so that they may be in a position to be acknowledged by foreign governments as the United States, and the assent of Maryland is necessary, as the District of Columbia would revert to her in case of a dissolution of the

[1] Letter of Governor Olden to Hicks (MS.).
[2] Mrs. Alma Phelps in a letter, January 14, 1861 (MS.).

Union. It is only contemplated to retain it for a few years; as the wants of the southern military confederacy will cause its removal further South. The plan contemplates forcible opposition to Mr. Lincoln's inauguration, and consequently civil war upon Maryland soil, and a transfer of its horrors from the states which are to provoke it." On January 25, Hicks wrote to General Scott asking if two thousand arms could be had from the United States government to "meet an emergency if it shall arise"; and then he proceeded to speak of the dangers which he said were threatening Washington.[3]

As time went on Hicks became more and more convinced that plots were in actual existence. A letter received by him was deemed of such importance that it was sent to the commanding officer at the Naval Academy; though before this was done, he tore off the signature. Marshal George Kane of the Baltimore Police saw the letter and wrote to Hicks for the name of the correspondent.[4] Hicks replied that he dare not give the name since publicity would close up his means of obtaining information in the future from that source.[5] Kane replied insisting that the head of the police and detective departments was in a better position to ferret out the alleged conspirators than was even the Governor himself. But Hicks again refused to give the name of his correspondent.[6]

No one seemed able to give definite information of any plot, though the opinion was frequently expressed that there must be some truth behind the rumors which were current. Threats of violence were made by individuals, and but little more was needed in the excited condition of the public mind to create the impression that a well-organized plot existed. Sensational articles continually

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[3] Letter was not made public. It was found in Letter Book of the Executive. [4] Ibid. [5] Ibid.
[6] Baltimore Exchange, February 25, 1861.

appeared in the newspapers, describing, at times with great minuteness, plans to capture the capital, and to prevent thereby the inauguration of Lincoln from taking place. Scott took alarm and increased the number of soldiers in Washington.

On January 26, the House of Representatives by a resolution provided for a committee to investigate whether "any secret organization hostile to the government of the United States existed."[1] In a few days the committee selected for the purpose began to examine witnesses. The evidence which came in was very meagre and contradictory. For instance it was shown that certain political clubs such as the "National Volunteers" had begun to drill and effect a military organization with the purpose of preventing the "Wide awakes" from carrying out their threats, as rumored, to escort Lincoln to Washington and by force of arms to overawe the extreme sympathizers of the Confederacy. However, it seems that no plans against the capital were contemplated unless Maryland and Virginia should secede—and possibly not even then. Ex-Governor Enoch Louis Lowe of Maryland in his testimony denounced Hicks as being responsible for many of the wild rumors then in circulation. Hicks was then requested by the committee to appear whenever he should find it convenient, and testify, in view of the fact that he possessed, apparently, knowledge of a valuable character. Hicks replied that his time was so taken up that he feared that he could not comply with the request. The committee insisted, while Hicks protested that he could do nothing more than to repeat what he had before given to the public. If the committee saw proper, he asked that some one should come to Annapolis to take his testimony. Finally on February 13, Hicks appeared in Washington before the committee. The chairman expressed a desire that Hicks would be as explicit as in his discretion seemed

[1] Report of Committees of Congress, 1860-1, volume ii.

suitable in view of his position as chief executive of a state. His testimony however really added little to what was already known, owing to the lack of definiteness in his statements, which he explained as necessary since publicity would prevent further opportunities of acquiring information. In closing, Hicks stated that though he had every reason to believe that these plots once existed, he now thought the danger had passed away. Hicks was very bitterly criticised for his course in this matter. His opponents claimed that he had created an excitement unduly, had made charges that he could not prove, and had thereby caused reflections to be cast upon the good name of the people of Maryland.[8]

Certainly from the evidence which he gave in, it seems doubtful whether he was justified in expressing himself so decidedly as he did in the proclamation of January 3, and on subsequent occasions; though he may have believed that these reputed plots did exist. Probably the actual facts in the matter will never be known. It seems that Hicks was alarmed by schemes, which if they existed at all, never passed out of the nebulous state, though much wild talk was rife.

Nevertheless the press in some sections of the country was still filled with lurid accounts of conspiracies existing in Maryland, and in and around Washington. The plans of the supposed conspirators continued to be delineated with a surprising wealth of detail. Feeling was very strong in opposition to the introduction into power of the Republican party, but no satisfactory evidence has ever been obtained to show that any designs were entertained in Baltimore upon the life of Lincoln—at any rate by any

[8] "The mare's nest over which Governor Hicks had so long brooded has proved to be an unprolific speculation. Notwithstanding the proud cackle with which he announced its discovery, and his patient incubation for many weeks, his labor has been altogether barren of results."—Baltimore Exchange, February 16, 1861.

organization having that purpose in view. The public appearance of Lincoln in Baltimore might have given an occasion to an outbreak of mob violence, foreshadowing in a way the terrible events of April 19, but it is needless to add that such an action would have been condemned by the bitterest opponents of Lincoln. It is true Lincoln was disliked in Maryland as being the representative of the hated Republican party; but the feeling uppermost toward him in the public mind in Maryland was hardly to be distinguished from a form of contempt, which had been brought on by what was considered the somewhat trifling and undignified position which he had assumed while slowly making his way to the East.

It was stated that Hicks had supplied the information which had caused a change in the plans of the presidential party, but this Hicks indignantly denied, and declared his belief that no dangers whatever threatened Lincoln in Baltimore.[9] The whole episode may be regarded as a natural result of the prevailing excitement, and of the ease and rapidity with which, in such times, the expression of an opinion comes to be considered as a statement of fact. A biography of Lincoln states that the latter "felt that there was no evidence before him that the official authority of the city would be exercised to restrain the unruly elements which on such occasions densely pack the streets of Baltimore."[10] The question arises whether Lincoln was justified since he "had no evidence before him" in assuming that the authorities of the city would not endeavor to preserve order. In any well-organized form of government, presumption is that the authorities will do their obvious duty, unless proof to the contrary exists. No such evidence was then available, nor has it been so since then. The justification for Lincoln's course may perhaps be seen in the fear that some fanatic might com-

[9] Baltimore American, February 27, 1861.
[10] Nicolay and Hay: Abraham Lincoln, volume iii, pp. 308-309.

mit an act of violence before the police could have prevented this—but not on the grounds that the municipal authorities would have been wilfully negligent in their duties.

The month of March, 1861, has often been compared to the moments of calm which come just before the storm. The analogy is truly applicable to the condition in Maryland at that time; the records of the month showing little, comparatively, of importance. To the people of the state, the period was one of anxiety and gloomy forebodings. The country appeared hopelessly rent asunder, leaving Maryland in a Union to which she was bound by strong bonds of reverence and affection, yet torn aloof from that section of the country to which she was naturally attached by the similarity of institutions. Advocates of peace found little of comfort in Lincoln's silence and the preparations for war busily going on in the Confederate States. Mass-meetings continued to be held which either commended Hicks, or roundly denounced him according to the opinions of the constituents of the various gatherings. The language employed was more pronounced in tone, and indicated more intense feeling than hitherto, but this was offset by the fact that there was even less of directness and definiteness than there had been in the plans previously brought forward. As an instance of this, the State Convention which assembled on March 12, for the second time, offered no means of solution of the problem, nor did it advocate any distinct policy, but simply decided to wait the first positive movement in the political situation.

Hicks was in Washington on the first of the month, where he had gone to urge the adoption of the resolutions of the Peace Conference; and while there, had two interviews with Lincoln. It was stated that the latter sought his views as to the respective merits of Henry Winter Davis and Montgomery Blair for a seat in the cabinet. According to the reports, Hicks declared that Davis was

obnoxious to the people of Maryland, while the appointment of Blair would be regarded by them as a direct insult.[11] Hicks subsequently denied most strenuously that he had recommended any one to Lincoln for appointment, or that he would do so in the future unless his opinions were sought for by the President; also that he was not, nor would he ever be an applicant for office under the administration.[12]

On the question as to the advisability of calling for an expression of opinion by the people of the state in regard to the future policy of Maryland, Hicks' views were unchanged. He declared that the passage of the proposed constitutional amendment by Congress had in a large measure stripped the problem of many of its perplexities, and had shown the wisdom of Maryland's policy of inaction. Hicks after having weakened, apparently, in his position during February, had now come out more positively than ever in opposition to all measures which in any way looked towards disunion.

The last of the commissioners from the Southern States, A. R. Wright of Georgia, who had visited Hicks to urge upon him the necessity of Maryland's "withdrawal from the Union" had met with much less encouragement. Hicks now practically denied the right of secession. He declared that the people of Maryland recognize the right of revolution when tyranny becomes oppression, but this was not the condition at the time. Moreover he asserted that the American system of rotation in office prevents tyranny from becoming firmly seated.[13]

On the 18th of the month, Hicks took a much more advanced position towards the Federal Administration by

[11] Baltimore American, March 2, 1861.

[12] Letter from Hicks to William Price. See Baltimore American, March 19, 1861.

[13] Apparently the reply to Wright was not given to the newspapers nor to the public in any manner. It is to be found in the Letter Book of the Executive.

applying to General Scott for arms and soldiers if these "should become necessary to put down rebellion in this state."[14] Hicks feared that the passage of an act of secession by Virginia would cause an outbreak in Maryland. Scott approved of the request, and Cameron notified Hicks that assistance would be furnished him whenever he should deem it necessary.[15] The correspondence was not made public at the time. Indeed, there is little doubt but that there would have been a popular outcry if it had been known that Hicks was seeking the services of United States soldiers to keep order in Maryland.

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[14] Letter Book of the Executive.
[15] War of Rebellion, series i, volume ii, part i, p. 317-8.

CHAPTER VI.

OUTBREAK OF HOSTILITIES.

From this condition of lethargy, Maryland was suddenly aroused by the attack on Fort Sumter. The call for seventy-five thousand volunteers by Lincoln on April 15, spread consternation in Maryland even among the "Union" men. The cherished hope of neutrality in the struggle, or at least of simple adherence to the Union, was rendered impossible by the call upon Maryland for four regiments of infantry. The state was expected not only to remain in the United States, but also to assist in the use of force to bring back the states adopting secession.

The position which Hicks, with some shifting, had held was no longer tenable. Two courses were open to him—both somewhat in conflict with his previous record—either to advocate a breaking away from the Union on the grounds that sufficient provocation was offered for this by coercion; or to swallow his scruples in regard to coercion, and to support the Federal administration. Hicks had shortly before declared himself in favor of the founding of an unconditional union party;[1] but when he realized how seriously fraught with consequences such a step would be in case of the outbreak of a war, he hesitated. This hesitation was by no means peculiar to Hicks, for throughout the country, and especially in the border slave states, many of the most pronounced of the adherents of the Union shrank back when called upon to advocate coercion measures. Hicks' hesitation was of short duration, comparatively, but while it lasted, stirring events

[1] Letter of James U. Dennis to Hicks, March 28, 1861 (MS.).

took place, and Washington trembled for its safety. This uncertainty of purpose of Hicks preceding his closer attachment to the Federal administration has given rise to bitter criticisms.[3]

Excitement in Baltimore was growing so strong, that on the day following the publication of Lincoln's call for volunteers, a telegram was sent to Hicks urging him to come to the city. He complied immediately, and on finding the situation there very critical, went to Washington where he had interviews with Lincoln, Scott and Cameron, in which he represented to them the intense opposition of the people of Maryland to any attempts to secure by force the return of the seceded states. Hicks was assured positively that the volunteers desired from Maryland were not to be taken out of the state except for the defense of the District of Columbia; but after his return to Baltimore, Hicks seemed to have had some misgivings as to the conclusions reached by his interviews in Washington, and thereupon telegraphed to Lincoln for a definite statement on the point. On the same day, April 17, Cameron replied by two telegrams, assuring Hicks that the troops from Maryland were only to be used for the defense of "public property of the United States within the limits of the State of Maryland," and "for the protection of the Federal Capital."

Hicks then determined to make arrangements to fill the quota of four regiments, and wrote to Cameron asking for arms and accoutrements.[4] He was on April 19, in the act of signing the order for the calling out of the troops when informed of the riots in the streets.[4] The next day,

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[3] As an instance: "The conclusion is inevitable that he [Hicks] kept himself in equipoise and fell at last as men without convictions usually do, upon the strongest side."—Jefferson Davis: Rise and Fall of Confederate Government, volume i, p. 337.

[4] To be found in Letter Book of the Executive; also in War of Rebellion, series i, volume li, pp. 327-8.

[4] Proceedings of the Executive.

Hicks notified Cameron that in view of the heated condition of the public mind, and also since the "rebellious element" was "in control of the arms and ammunition, he thought it prudent to decline (for the present) responding affirmatively to the requisition made by Lincoln for four regiments [5] of infantry." [6]

The excitement in Baltimore had already become so great, that on April 18, Governor Hicks had issued a proclamation, earnestly urging the people to abstain from heated discussions, since such would easily provoke violent outbreaks. A rash step might lead to consequences fearful in nature. He assured the people that no troops would pass through Maryland except those for the defense of Washington; and that very shortly the people of Maryland would have an opportunity in a special election for members of Congress "to express their devotion to the Union, or their desire to see it broken up." [7] Mayor Brown supplemented this proclamation by a similar appeal to the people to be orderly. On the same day Cameron sent a dispatch to Hicks informing him of the threats to prevent volunteers from the northern states from crossing

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[5] Except where specific references have been made, the correspondence quoted above is to be found in Document A of the House and Senate Documents, 1861.

[6] Lincoln had assigned Frederick and Baltimore as mustering stations. On April 20, Lieut. Macfeely, the officer assigned to Frederick, apprised Hicks of his arrival and asked for instructions. The reply came:

"Your letter of the 20th was received this morning. I am directed by the Governor to inform you that no troops have been called out in Maryland, and that consequently your mission is at an end, and you will therefore report to the Secretary of War, who has been informed of the Governor's views in this matter."

Your obedient servant,

GEORGE JEFFERSON,
Private Secretary to Gov. Hicks.

[7] Baltimore Sun, April 19, 1861; Baltimore Exchange, April 19, 1861; Baltimore American, April 19, 1861.

A few days before, Hicks, in response to a serenading party, had taken occasion to express again his hopes that the Union would be preserved.—Baltimore Sun, April 17, 1861.

Maryland to reach Washington, and stating that Lincoln desired the "loyal authorities and citizens to prevent or overcome any forcible opposition to the troops passing through to Washington."[8] The events of "April 19th" have been treated of by many writers, therefore no attempt will here be made to discuss any but special phases of the subject.[9]

The opinion is now generally accepted that the city authorities did all in their power to protect the Sixth Massachusetts from the attacks of the mobs. Mayor Brown himself gave an illustration of remarkable personal courage by marching at the head of the soldiers. The fact is worth bearing in mind that the mobs by no means consisted of the rough elements alone. Many prominent and respectable persons were to be found in their ranks, seeking to repel what they considered an invasion of Maryland.

The meeting which took place in Monument Square on that afternoon was dramatic in a high degree. The flag of Maryland was hoisted. S. Teackle Wallis and other speakers in vehement terms denounced the action of the Federal administration. Mayor Brown was more temperate in his remarks, denying the right of secession, but condemning coercion. Hicks was called for. Wethered and Lowe were appointed a committee to escort him from the hotel where he was stopping; and in a few moments returned with the object of their quest. The crowd swayed for a moment or so and then became quiet, ominously so. Mayor Brown assured the people that Hicks agreed entirely with him that no more troops intended to be used against the South, should be allowed to pass through the state. The flag of Maryland was placed by the side of her chief executive. Hicks' remarks were but few in number. He declared that Brown had not misrep-

[8] House and Senate Documents of 1861, Document A.

[9] On the whole, the best account is by Mayor George W. Brown in his "Baltimore and the 19th of April." Studies in Historical and Political Science, J. H. U. extra volume iii.

resented him, but that he desired to see the Union preserved. An angry cry broke from the crowd. Then Hicks plainly announced his position thus: "I bow in submission to the people. I am a Marylander; I love my state and I love the Union, but I will suffer my right arm to be torn from my body before I will raise it to strike a sister state." [10]

It is not necessary to believe those accounts of the incident which state that Hicks appeared "sheepish" in his manner, or that he had a "hang dog expression" upon his face; yet the fact undoubtedly remains that he was badly frightened—and this is by no means remarkable. Hicks by his refusal to call the Legislature had incurred the violent animosity of a considerable number of the people of the state. His policy of "masterly inactivity" was believed by those persons to have bound Maryland until she was now helpless. Threats upon his life had not been uncommon during the preceding five months. The events of the day had intensified this hatred to fever heat. As Hicks looked around upon the angry faces turned towards him, he must have felt that if he dared to express himself in any way in opposition to the one will and purpose which dominated the crowd, the entire police force of the city present could not prevent his life from being taken.

Hicks immediately issued orders for the calling out of the local military companies. A dispatch was sent by him and Mayor Brown to Lincoln stating that a collision had taken place "between the citizens and the northern troops," but that the state militia was competent to "preserve peace"; therefore, "send no more troops here." [11] About midnight a committee was sent to Washington bearing a letter from Hicks and Mayor Brown which described more in detail the disorders of the day.

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[10] The language employed by Hicks, and the details of the affair are variously stated, yet no material differences in these accounts exist.

[11] Baltimore Sun, April 22, 1861.

On the night of the 19th, a memorable meeting was held in the house of Mayor Brown where Hicks was staying. Subsequently a bitter controversy arose as to what really took place there. Hicks was feeling so unwell that he was obliged to hold the conference in his bed-room. The action of the Federal administration in using Maryland as a passway for troops to be employed against the seceded states was vehemently denounced, and the opinion was generally shared that similar occurrences must be prevented in the future if possible. Little hope was entertained of prevailing upon Lincoln at the time, if at all, to accede to the public demand in Maryland. It was then decided that prompt measures were necessary to keep soldiers of the United States Government from crossing the state. As the most efficient means of accomplishing this end, the burning of the bridges at the railroads connecting Baltimore with the North was settled upon, and the consent of Hicks asked. The latter agreed that troops should not cross the state, but spoke of the seriousness of the question of burning the bridges, and pleaded lack of authority on his part to give consent thereto.

What followed then is not entirely beyond dispute. Mayor Brown, his brother, Cummings Brown, Ex-Governor Enoch Louis Lowe, and Marshal Kane state that Hicks seemed to be persuaded by the arguments brought to bear upon him, and signified that he would offer no objection to the proposed undertaking. But the reply came that his express order was necessary, since Mayor Brown's jurisdiction did not extend beyond the city. Then, it is claimed, Hicks definitely gave the order for the burning of the bridges.[12] On May 4, Hicks sent a message to the Senate of Maryland in response to a request[13] from that body for information on the point. In this he denied that he gave his consent to the destruction of the bridges.[14]

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[12] House Documents of 1861, Document G.
[13] Journal of Senate of 1861, p. 33.
[14] Ibid., p. 64.

This was soon followed by an "Address to the people of Maryland" in which he took the same stand.[15] Hicks admitted that he was excited but that he went no further than to say "that the Mayor could do as he pleased—that I had no power to interfere with his design; if this be consent to the destruction of the bridges, then I consented."[16] He made the point that the bridges on the Philadelphia, Wilmington and Baltimore and the Northern Central Railroads were set on fire within one hour after the so-called consent was given.

In view of the intense excitement which was prevailing, it is not surprising that the records of that time which come down are often contradictory. However, it is known that a number of bodies of men, some sent by the authorities of the city, and others acting upon their own responsibility left Baltimore for the purpose of destroying the bridges in question. For the purposes of this paper, it is not necessary to know where the men who destroyed the bridges received their orders, but rather whether Hicks gave his consent thereto. In regard to the meeting which took place at Mayor Brown's house, it should be borne in mind that all the persons present were very much excited, and that nothing was put in writing at that time. Hicks was strongly opposed to the passage of troops through Maryland, and moreover was completely exhausted from the strain he had been under during the day. Possibly he expressed himself more strongly than he intended; and then, besides, words spoken at such times of excitement are frequently misconstrued. However, there can be little doubt but that Hicks gave that night some form of authorization for the burning of the bridges.

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[15] Moore's Rebellion Record, volume ii, p. 181; Sun, May 16, 1861.

[16] "I do not deny that the proposed act, unlawful though it was, seemed to be the very means of averting bloodshed. But it would have little become me as Governor of the State to consent to an infraction of the laws which I had sworn to enforce."

The point has been dwelt upon because it possesses more significance than at first may seem apparent. By this act, Hicks for the moment allied himself with the opponents of the United States Government and dealt a blow at the safety of its capital. As Senator Sherman has said, by the destruction of the bridges, the safety of Washington was seriously jeopardized.[37]

The point also derives importance from the fact that in a very short time Hicks denounced all measures hostile to the United States Government as those of rebellion. This short defection was overlooked, and Hicks was soon on cordial terms with the administration. In those days of rapidly shifting issues and as rapidly changing views upon these, it was not always deemed advisable to question the past orthodoxy of even the most zealous. Moreover, in justice to Hicks, it should be remembered that he accepted the doctrine of the coercion of the states adopting secession, as did many of the prominent persons of the times, and indeed even some of those who stood high in the Federal administration, only after considerable hesitation and after more or less vigorous attempts to protest against it.

The following day Lincoln sent word to Hicks that he desired to consult with him and Mayor Brown immediately. Hicks had in the meantime returned to Annapolis, and on receiving the message, telegraphed to Mayor Brown: "My going depends upon you." An understanding was not effected between the two, and thereupon Mayor Brown, accompanied by several prominent citizens of Baltimore, had an interview with Lincoln in which they set forward the danger to be incurred in attempting again to pass troops through Baltimore. A promise was extracted that if possible the troops would march around the city.

On the same day, United States Senator Anthony Ken-

[37] Correspondence between Sherman and S. Teackle Wallis.

nedy, and J. Morrison Harris, acting entirely independently of the party of Mayor Brown, had interviews with Lincoln, Seward, Scott and Cameron. At first an endeavor was made to prevent any troops from passing through any portion of Maryland, but this the administration positively refused to consent to, showing that Maryland afforded the only means by rail by which Washington could be approached, directly, from the North. As the plan least liable then to provoke bloodshed, Kennedy and Harris suggested that the line of transit be as follows: from the mouth of the Susquehanna River to Annapolis by water, and from thence to Washington. Cameron feared that railroad facilities could not be obtained to cover the latter part of the route, but to meet this objection, Kennedy and Harris secured the promise of President Garrett of the Baltimore and Ohio Railroad to furnish transportation. A telegram was then sent to Mayor Brown by Kennedy and Harris which stated positively that troops would not pass through or around Baltimore.[18] In virtue of the agreement reached in Washington, Kennedy and Harris on reaching Baltimore, with the approbation of the Police Board of Baltimore City went to the camp of volunteers from Pennsylvania at Cockeysville, and persuaded the commandant to withdraw beyond the northern boundaries of the state.[19]

Meanwhile events in another portion of the state were attracting attention. General Benjamin Butler arrived in Philadelphia on April 20, with a detachment of volunteers from Massachusetts. Finding the direct route to

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[18] Baltimore Republican, April 22, 1861.

[19] Full account of the trip to Washington, etc., is given in a paper read by J. Morrison Harris before the Maryland Historical Society, March 9, 1891. See Publications of the above, 28-31.

It seems probable that the administration had realized by this time the impossibility of carrying troops by way of Baltimore, not only because of the opposition prevailing in the city, but also because the railroad bridges were destroyed, and had already given orders for the change in route. See article by Adolph Von Reuth in Washington Star, March 12, 1891.

Washington closed, he went by rail to Perryville at head of Chesapeake Bay, and proceeded thence to Annapolis by water. Butler had planned to take Annapolis by storm, but much to his surprise, found but little opposition from the local authorities.[20]

The prospect of armed forces in the capital of the state alarmed Hicks. He immediately sent a dispatch to Butler, strongly protesting against the landing of troops at Annapolis. Butler replied that circumstances demanded that he should disembark at Annapolis, and that he only desired to pass peacefully to Washington. He also took advantage of the opportunity to reproach Hicks for the use of the term "Northern troops"—"they are," wrote Butler, "a part of the militia of the United States obeying the call of the President." Indeed, the situation seemed to Hicks to be one of extreme gravity. According to rumor, companies were organizing in Baltimore to come to Annapolis and to prevent by force the threatened disembarcation. Hicks telegraphed to Mayor Brown urging him to prevent any such movement from taking place, also stating positively that the troops would not land at Annapolis. Meanwhile Hicks was continually urging Lincoln not to provoke bloodshed by attempting to force a way through Maryland. The Federal administration insisted, however, that the troops must land at Annapolis.

Though Butler had written courteously to Hicks for permission to make a landing at Annapolis, yet from the tenor of his letter it is apparent that he desired rather to make a statement of his intentions than to formulate a request. He looked upon Maryland, in view of the events of the "19th," as hostile territory, which required prompt and severe measures to subdue. An interview between Butler and Hicks resulted in no agreement between the two; in fact, it is not probable that Butler was at liberty to make material changes in his plans.

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[20] Parton: General Butler in New Orleans.

Seward wrote Hicks that passage to Washington through Maryland had to be effected, and that the route by way of Annapolis had been agreed upon by prominent citizens of Maryland as the one least open to objections. Hicks realized that further opposition was useless, but still condemned the policy of the administration as most unwise.[21] The course followed by Hicks was adversely commented upon by many citizens of the state. They contended that Maryland had been humiliated by the action of her chief executive, who, after practically forbidding the landing of the troops, had then tamely given in. Instead, it was claimed, the Governor should have called out the state militia to have enforced his stand.[22] Such an act Hicks could hardly have considered seriously for a moment. In the first place, it is extremely improbable that he was willing to use armed force against the United States Government. At any rate, the disasters sure to attend such a step must have been very apparent to him. The state militia was in no condition to be mustered in, and most certainly not to be used to oppose the United States Government.[23]

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[21] The relations between Butler and Hicks at this time may be found from consideration of: Official Records of the Rebellion; House and Senate Documents of Maryland Legislature, 1861, Document A; Letter Book of the Executive; Proceedings of the Executive; Daily newspapers; Private correspondence of Hicks, etc.

[22] Baltimore Sun, April 30, 1861.

[23] Several weeks later, Hicks did intimate in a letter to Butler that he would use the forces of the state to compel the withdrawal of free negroes from the company of Butler, if the latter, himself, did not take steps to do so. However, nothing came of it.

CHAPTER VII.

CALLING OF THE LEGISLATURE.

The Monday following the "19th," Hicks spent alone in his room. To him it was indeed a day of perplexity and of doubt. Whatever may have been his misgivings as to what should be his relations with the United States Government, he felt convinced that it was not advisable to resist any longer the demand for the convening of the Legislature.

In his message to a subsequent Legislature upon its assembling on December 4, of the same year, Hicks gave his reasons for having changed his mind in regard to the necessity of legislation by the state. He said that when "Coleman Yellott, Esq., late Senator from Baltimore City, after advising with the Board of Police Commissioners, and instigated by the more prominent of the conspirators, unlawfully issued his 'Proclamation'[1] for an assembling of the Legislature at Baltimore, where a portion of the secession element was congregated, I knew it was time for me to act." Further on, he stated that he made an effort to call out the state militia, but on finding that very many of the officers were "in league with the conspirators," he decided that the militia would do more harm than good.[2]

The fact is undoubtedly true that, if Hicks had not summoned the Legislature at that time, the people in some unconstitutional way would have taken the matter in their

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[1] Yellott's "Proclamation" has not been found. However he certainly went so far as to prepare a letter to his fellow-members of the Legislature asking them to meet in Baltimore to consult together.

[2] House Documents, 1861-2, Document A.

own hands. A journal of Baltimore City expresses the situation quite conservatively thus: "That Governor Hicks' refusal to yield will encourage a spontaneous demonstration of the people towards some other form of organized authority ... make necessary those revolutionary proceedings which it is best to avoid." [3] On April 22, Hicks, in view of the "extraordinary condition of affairs," issued a summons for the assembling of the Legislature at Annapolis on April 26.[4]

The summoning of the Legislature by Hicks, after he had so long refused to do so, has often been considered as a weakening on his part. In some respects it was, since thereby he placed in power a body which he had so often declared to be unfitted to act in the existing crisis. Likewise it was a step which in a measure arrayed him against the Federal Government, since he had stated his belief that the Legislature if convened would lend active support to the secession movement in the Southern states. However, there are other points to be considered. Hicks' refusal to call the Legislature was a constant menace to his life. Irrespective of this point, he recognized clearly that he was no longer in a position to control, or even to direct the policy of Maryland. If he had resisted any longer, his grasp would have been gone forever; therefore, in accordance with his principles, he deemed it best to bend a little to the storm. He had always declared that the people did not want the Legislature convened; now there could be no mistake that a demand for this body existed. Moreover, he was strongly opposed to Maryland being used in any way as an instrument for coercing the seceded states.

The call for the Legislature was issued on the 22d, thereby allowing only four days before the time appointed for the convening of that body. Strenuous efforts were made to bring the members to Annapolis; thus a steamer was

[3] Baltimore Sun, April 22, 1861.
[4] Proceedings of the Executive.

chartered by Coleman Yellott, with the approval of Hicks,[5] and was sent to the Eastern Shore to notify the members there, and to bring back as many as possible.

On the last day of the previous session of the House of Delegates the seats of the members of that body from Baltimore City were declared vacant on the grounds of frauds in the election. On the same day that the summons of the Legislature appeared, Sheriff Dutton, of Baltimore, issued a writ for a special election on April 24, to fill the vacancies.[6]

The "States Rights and Southern Rights Convention," which had met on April 18, again assembled on the night of April 22, and nominated John C. Brune, Charles H. Pitts, William G. Harrison, Hanson Thomas, S. Teackle Wallis, Ross Winans, H. M. Morfit and Lawrence Langston for the Legislature. The election on the 24th passed off without marked disturbances. There was no opposition to the candidates named above, though only 9244 votes were cast as against 30,148 in the previous election. Senator Sherman, of Ohio, among others, claimed that the police authorities had prevented opposition votes from being cast.[7] This was strongly denied. Undoubtedly public feeling ran very high in the city on that day and prevented any opposition from materializing. Yet the smallness of the vote can best be accounted for, it would seem, by the fact that when only one ticket is in the field, a small vote usually results.

The legality of this election was questioned, since, according to the law, ten days should elapse between the issuance of the notice by the sheriff and the time appointed for the election in all cases where vacancies were to be filled.[8] However, the men voted for on the 24th took

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[5] Message of Hicks to House of Delegates, May 4, 1861.

[6] Speaker Kilbourn had sent the writ for a new election on May 10, 1860, but Sheriff Dutton did not issue same until nearly a year later, on April 22, 1861.

[7] Correspondence between Sherman and S. Teackle Wallis.

[8] Constitution of 1851, Article III, Section 29.

their seats in the House of Delegates without a protest. Later in the session a motion was proposed which declared that the election was void, but the House refused to take this view of the matter.[9]

At a meeting which had taken place between Hicks, the Mayor of Annapolis and General Butler, the latter had been informed that his landing at Annapolis would be useless, since the rails of the Annapolis and Elkridge Railroad were about to be taken up, the road being private property. Butler was by no means daunted by this statement, but proceeded to take possession of the road, stating shortly afterwards that he could not understand why members of the Legislature should be allowed to pass in one direction over the road, while the soldiers of the United States could not pass in the opposite direction. Hicks on hearing of this step sent a protest to Butler, "because, without assigning any other reason, I am informed that such occupation of said road will prevent the members of the Legislature from reaching this city." In subsequent communications Butler offered to coöperate with Hicks in the "suppression of any insurrection against the laws of Maryland," and especially to assist in keeping down the negroes should the threatened uprising of the members of this race take place. Governor Hicks promptly and somewhat coldly declined the offer of assistance.[10]

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[9] Fiery of Washington County proposed the motion. The committee reported that the question was a trivial one, since only four days intervened between the publication of Hicks' proclamation and the convening of the Legislature. Moreover Sheriff Dutton had held for nearly a year the writ providing for a new election; and hence his negligence was the cause of the failure of the city to select delegates. Such action on his part should not be sufficient to make the city suffer for lack of representation. The debates which occurred over this motion were very spirited. One of the delegates, to the amusement of his fellow-members, proved to Fiery conclusively that according to the strict letter of the law his (Fiery's) election was void. Baltimore American, May 13, 1861.

[10] Governor Andrews of Massachusetts upon being apprised of this proffer of assistance, wrote to Butler censuring him for offering

Meanwhile the situation in Maryland was anxiously watched. In view of the location of Washington, the influence of the state bid fair to be of especial importance in whichever way she should cast her lot. The press of the state, holding widely different views as to the solution of the political problems, strove laboriously to prove that whatever had happened, and whatever might be the status of the seceded states, war was unnecessary. One paper attempted to show that a conflict over the possession of Washington was useless even if "Maryland remains with the North," because in a short while the Federal Government will change its seat of its own accord, since surely it would not care to have "its capital in gunshot of a foreign land." [11]

The plans suggested for restoring peace were at times unique. One of the closest of the political friends [12] of Hicks wrote to him suggesting that troops from Maryland and Virginia go to Washington and protect Lincoln and his cabinet, while Governor Letcher, of Virginia, and Hicks should hurry to Harrisburg as hostages of the good faith of the armies and governments of their respective states. From the remarks which Hicks made from time to time, it is hardly probable that he was willing to stand security for the Maryland authorities, and for the many excited men in the state militia.

The week following upon April 19 was one of intense excitement. Pro-southern sentiment showed itself in mass-meetings and in the organization of military companies throughout the state. Marshal Kane, after endeavoring to protect the Massachusetts soldiers on the

assistance to a "community in arms against the Federal Union." The soldiers under Butler had not been formally mustered into the service of the United States, and were therefore nominally under the commander-in-chiefship of Governor Andrew. Parton: General Butler in New Orleans, 94-98.

[11] Baltimore Sun, April 22, 1861.

[12] William T. Goldsborough of Dorchester County, Maryland. Letter to Hicks, April 24, 1861 (MS.).

19th, on the next day plainly announced his intention to do his utmost to prevent Maryland from being used as a highway for troops going to Washington or to the South.[13] The City Council of Baltimore appropriated $500,000 for the defense of the city, and some of the counties took similar steps. It was ordered that no flags should be displayed, nor should any provisions leave the city. Mayor Brown asked for loans of arms and ammunition. Military companies were rapidly organized and drilled, and arms were received from Virginia. It was believed that untiring efforts were necessary to put the city in a state of defense against the "hordes" which were hourly expected from the Northern states. The riots of the preceding Friday had aroused throughout the North a strong desire for retaliation upon Baltimore. The following newspaper clipping illustrates some of the plans which were urged for the capture of the city. The assaulting party should pass "over roofs, through breaches in the walls, by doors or windows by sappers and miners with crowbars, with sledge hammers, with picks, with gunpowder in small bags, armed with hand grenades, revolvers and cutlasses, or such other weapons as shall be best adapted to a storming party and a hand-to-hand conflict."[14] The fact is worthy of note that comparatively little was said of the secession of Maryland during this excitement. For the time being this question was regarded as subordinated to that of resistance to the attempt to draw Maryland into coöperation with the movement against the Confederacy. Though the Union was believed to be divided irredeemably, yet there was a marked hesitation, except on the part of a very small minority, to urge instant secession, though perhaps the larger number of people in the state believed that of the two divisions, which seemed inevitable, Maryland would in time go with the Southern. Whatever

[13] Kane's telegram to Bradley T. Johnson. Frequently quoted.
[14] New York Tribune. See Baltimore Sun, May 2, 1861.

differences of opinion existed among the people of the state, on one point they were practically united, and that was in opposition to the aims and principles of the Republican party. Lincoln since his election and inauguration had done little to overcome this objection; and indeed the apparently trivial manner with which he treated the question confronting him aroused in Maryland little confidence in his ability to cope with the problems of the situation. As an instance, on April 22, a delegation from the local Young Men's Christian Associations in Baltimore called upon Lincoln and urged him to prevent further passing of troops over Maryland. He replied: "I must have the troops, and mathematically the necessity exists that they should come through Maryland. They cannot crawl under the earth and they can't fly over it, and mathematically they must come over it. Why, sir, those Carolinians are now crossing Virginia to come here and hang me, and what am I to do?"[35] Upon the entreaty of the delegates that he give his consent to a peaceful separation of the seceded states, Lincoln declared that "there would be no Washington in that, no Jackson in that, no spunk in that," and further expressed his determination to "run the machine as he found it." After leaving, one of the committee exclaimed: "God have mercy upon us when the Government is put into hands of a man like this"[36]—an expression of a sentiment which found its echo in the hearts of even the most pronounced adherents of the Union in Maryland. The real Lincoln was yet to be disclosed.

On April 24, Hicks issued a proclamation changing the place of the meeting of the Legislature from Annapolis to Frederick.[37] The reason assigned was that "in view of

[35] The language is quoted differently by various writers. The incident is generally mentioned by biographers of Lincoln; it was published in the newspapers at the time.

[36] Baltimore Sun, April 23, 1861.

[37] General Benjamin Howard among others urged the step upon Hicks. See letter of Howard to Hicks, April 24, 1861 (MS.), Journal of Senate, 1861, p. 4.

the extraordinary condition of affairs," the change in location was desirable to secure the "safety and comfort of the members."[18] A number of months later, Hicks declared that he had given the order to meet in Frederick because of the well-known strength of the Union sentiment of that town.[19] Hicks was undoubtedly influenced by both motives. He desired to see the seat of the Legislature located in a strong Union locality; furthermore he dreaded the results of a close contact of General Butler with the members of the Legislature, many of whom were known to be bitterly disposed towards the Federal administration and its representatives.

During the night of April 26, Hicks went to Baltimore from Annapolis by water, and from there hastened to Frederick.[20] Here his position was by no means without its perils. The ultra-Southern party had not forgiven him for his course in preventing Maryland from taking some action earlier through her Legislature. Threats and plots upon his life, which had not been infrequent during the past, continued to be a source of danger to him. James R. Partridge, the Secretary of State, deemed the risks too great and resigned his position.[21] Among the more conservative class of sympathizers with the movement in the Southern states, there were many who gladly welcomed Hicks, as they supposed, into their ranks, though considerable was said about an "Eleventh Hour man."

During the previous session of the Legislature, which consisted practically of the same members[22] that were now to meet in special session, considerable friction had oc-

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[18] Baltimore Sun, April 25, 1861.

[19] Message of Hicks to Legislature, on December 4, 1861. House Documents, 1861-2, Document A.

[20] Baltimore Republican, April 26, 1861.

[21] Proceedings of the Executive. Subsequently Grayson Eichelberger of Frederick was appointed Secretary of State and his selection was confirmed by the Senate.

[22] Excepting members of the House of Delegates from Baltimore City, and one member from Washington County.

curred between that body and Hicks. Subsequently Hicks had not hesitated to speak disparagingly of the status of the Assembly, but now on the main question of the day, no appreciable difference was apparent. Hicks by his remarks in Monument Square on April 19 had declared himself entirely out of sympathy with the policy of Lincoln. Since that day he had been, on the whole, reticent; but the very fact that he had summoned the Legislature, and that he had changed the place of its assembling, implying that he desired the members of the Legislature to be freed from the influence and control of the United States soldiers in Annapolis—these facts strengthened the impression that Hicks was in heart and soul with the friends of the South.

CHAPTER VIII.

ASSEMBLING OF THE LEGISLATURE.

The Legislature met in the Court House, in Frederick, at 1 P. M., on Friday, April 26, but after a few days held its sessions in the German Reformed Building, corner of Church and Market streets. Seventeen of the twenty-one Senators, and a large number of the members of the House of Delegates answered to the first roll-call, showing the success of the strenuous efforts to secure the presence of a quorum on four days' notice. Some of those present had left their homes with only a moment's warning, and had hastened to use their efforts to ward off the adoption of measures which would tend to carry Maryland into secession; others had directly contrary aims in view, but all were alive to the fact that the incoming session of the Legislature would be the most critical in the history of the state. A rash step meant untold suffering, and, in truth, the fortunes and lives of the citizens of Maryland were at stake.

The message of Hicks to the Legislature was awaited with great interest. If he should in vehement language denounce the policy of Lincoln, and urge coöperation with the seceded states, little doubt was felt by many that in the excitement of the moment the state would be swept into secession. The Governor's message showed that he realized the gravity of the situation. The events which had recently taken place were narrated, and a further appeal for calmness was added. The scenes of bloodshed in Baltimore on April 19 were described as the work of an "irresponsible mob."[1] He did not consider the

[1] In opening message to Legislature on December 4, 1861, Hicks spoke of the occurrence as a "treasonable outbreak."

question of secession, spoke of the possibility in the future of Maryland's "taking sides against the Federal Government," but advised against any such action at present. It is not clear whether he refers to an attempt at rebellion, or whether he believed the state had a constitutional right to sever its connection with the United States Government. Indeed, there seems to have been a confusion in his own mind. Hicks was possessed with the idea which was so prevalent in the border slave states, that is, that a state could remain in the Union, yet refuse to take any part in the war; could be in the Federal Union, yet not render assistance to it. Consequently it is not surprising that Hicks should have suggested to Lincoln that Lord Lyons, the English ambassador to this country, be requested to act as "mediator between the contending factions."[3]

The message of Hicks,[4] as a whole, is singularly noncommittal. He had deemed that the occasion demanded the action of the Legislature; yet he recommended really no policy to it on its convening, except the negative plan of passive adherence to the Union and of neutrality. The truth of the matter is that Hicks could not well do otherwise. He was not willing to urge an alliance with the Southern states, nor did he dare to inflame public sentiment still higher by advocating the rendering of assistance to the Federal administration, even if he approved of such a course. He thought Maryland would be the probable seat of bloody war; from such a calamity he expressed his desires to see the state preserved.

Hicks by his course during the preceding six months had won strong expressions of approval from the Northern press. But now the people in the North believed that,

[3] Seward in reply scorned the suggestion to call in a foreign power, and took the opportunity to chide Hicks for Maryland's apparent indifference to the Union when in its greatest peril. House Documents of 1861, Document A.

[4] Hicks' message is found in the House Documents of 1861. Doc. A.

after having proved a formidable bulwark to the attacks of the secessionists in Maryland and the South in general, he had at last succumbed and was now leagued with those who were endeavoring to break up the Union. Some of the journals were very severe in their criticism of him and did not hesitate to call his conduct treasonable.[4]

The Democrats controlled the Senate by a single vote and the House of Delegates by a larger majority. Possibly it may be said that, in the main, the most radical element of the Southern sympathizers in the Legislature found its nucleus in the Democratic party, but in the exciting and troublous scenes which were enacted during the sessions of this Legislature, it is impossible to group the actors satisfactorily on the lines of past party affiliations. For instance, H. H. Goldsborough, Senator of Talbot county, was a Democrat, yet he was a leader of the very small minority which may be called the extreme Union party. Coleman Yellott, an open secessionist and father of the ill-fated "Safety Bill," had been elected as a Know Nothing. The Senate, on the day after assembling, adopted unanimously resolutions styled an "Address to the People of Maryland." These stated that the Legislature did not have the right to pass an act of secession, though the promise was held out that a sovereign convention would be called if the demand for such seemed clearly evident.[5]

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[4] Philadelphia Ledger, April 25: "Whatever the motives claimed for Governor Hicks may be his acts show that he is either playing into the hands of the secessionists or else weak in a situation where to be weak is to be wicked. By his proclamation that no more troops should pass through Maryland under the pretext of the Border states remaining neutral, he has given countenance to the revolutionists who are endeavoring to cut off all communication with the seat of government. He should have suffered himself to be held as a prisoner of war; he should have called on the Washington government for aid, but he should have died a martyr rather than have put his hands to any such declaration. His proclamation is a violation of his oath to support the Constitution of the United States . . . . . His proclamation is an act of treason."

[5] Senate Journal, April 27, 1861, p. 8.

Such was the haste with which these resolutions were hurried through, that the Senate had put itself on record before the message customarily sent to that body by the Governor, upon its convening, had been received. These resolutions were then sent to the House of Delegates, which took action the same day, though not through concurrence or disagreement with the resolutions of the Senate. A memorial from Prince George's county had been read asking for the immediate passage of an act of secession. The Committee on Federal Relations adopted a report setting forth the constitutional inability of the Legislature to comply with this request.

The minority report was also unfavorable to granting the prayer of the petitioners, but was silent as to the constitutional power of the Legislature to do so. The majority report was accepted, the minority report having been defeated by a vote of 53 to 13.[6] Only one member protested that neither report of the committee gave an opportunity to vote for secession.[7]

The action of the Legislature was somewhat of a surprise. It was believed that the advocates of immediate secession would show greater strength. While denying the right of legislatures to pass acts of secession, the implied meaning of the resolutions is that the state through a convention could do so, and that such a body would soon be called into existence to consider the question.

The Legislature thus early disavowed any attempts by its own authority to break away from the Union, yet a pronounced opposition to the United States Government is the chief characteristic of its legislation during the remainder of the session. The action of the authorities of Baltimore on April 19 and subsequently in regard to the passage of troops through the city, and the attempts

[6] Journal of the House of Delegates, p. 22.

[7] The writer has been informed by a prominent citizen of that time that a secession ordinance was carried to Frederick in the pocket of a leading member of the Legislature.

to put the city in a state of defense were approved.[9] The loan of $500,000 was legalized.[9] Leave was granted the Ways and Means Committee of the House to prepare a bill appropriating $2,000,000 for the defense of the state.[10] Other financial measures of an unusual nature received the attention of the Legislature at this session. The suspension of specie payments by the state banks was held to be justifiable because of the commercial disturbances.[11] As another measure of relief, the banks of issue were empowered to send out notes of less than one dollar to the amount of $5000, or to ten per cent of the paid-in stock.[12] On April 27, leave was granted the Currency Committee of the House to introduce a bill permitting the Mayor and City Council of Baltimore to issue small notes to a limited amount to be used as currency. Several days later, the committee reported unfavorably on the project, and the matter was referred to the Baltimore delegation.[13] It is hardly surprising that the subject was not introduced again.

On April 27, the House of Delegates called upon Hicks and Adjutant General Brewer for an account of the expenditure of the $70,000 provided for at the previous Legislature for the purchase and distribution of arms, etc., to military companies throughout the state. The report which followed showed that arms had been sent to nearly every county in the state. The House, however, did not approve of the manner in which this had been done, and even alleged irregularities in accounts.[14] Subsequently a committee was appointed to examine the records of the Adjutant General.[15] Likewise the commissions of several officers in the state militia who were known to be pronounced Southern sympathizers, and who were technically

[9] April 27 and May 8. [9] Ibid.
[10] April 29, 1861. Bill never reported. [11] May 3, 1861.
[12] May 1, 1861. [13] Journal of House of Delegates, pp. 21-29.
[14] June 12, House Documents of 1861, Document I.
[15] June 20, Journal of House of Delegates, p. 289.

disqualified because of failure to observe certain regulations, were made valid.

These instances, which are not very serious, represent the only attempts made by the Legislature to pass measures warlike in nature, or actively hostile to the United States Government, with the exception of the mysterious and ill-fated "Safety Bill." The Legislature had hardly met before the air was thick with rumors of projects to place Maryland in a complete state of defense; and in so doing, to take away from Hicks as much authority as was possible. On May 1, in secret session, Senator Yellott introduced a bill subsequently widely known as the "Safety Bill." The measure, in short, provided for the appointment of commissioners with powers almost dictatorial in extent, and who were to replace not only the head of the military organization in the state, but were also to obtain a supervision in some respects over the civil departments of the state government. The argument was brought forward in defense of the bill that Maryland was in a critical condition, and that only drastic measures, implying a partial introduction of military law over the state, would suffice to cope with the dangers threatening the people.[28]

The Senate, after holding secret sessions on two days, was unable to come to any agreement as to the provisions of the bill, and thereupon opened its doors and gave the proposed bill to the public. The evening of May 2 and all of the day following were given to a discussion of the measure. Its opponents at first were in a minority, but were untiring in their efforts to defeat it. When it seemed probable that the proposed bill would pass, attempts were made to change the personnel of the board as provided for, by placing on it men who were "strongly Union."

[28] The commissioners were to be seven in number. Of those originally selected, Hicks was the only one not known to be a pronounced Southern sympathizer.

Amendments were also offered which would strip the measure of its most radical features, but these were generally defeated. As an instance, the Senate, by a vote of eight to twelve, refused to insert the clause: "but shall not have power to treat with any foreign power." One member in sarcasm suggested that the measure be called not a "Bill for the Public Safety," but to "Establish a Military Despotism." After much heated discussion and successful attempts at filibustering, during which the opposition seemed to be gaining ground, on May 3, the bill was sent back to the Committee on Federal Relations, from which it never reappeared.

Though nearly every one found some features in the proposed measure which were deemed objectionable, yet undoubtedly a not inconsiderable number of persons looked upon its provisions, taken as a whole, distasteful as they were and out of harmony with the generally accepted theories of republican institutions, as necessary in view of the position of Maryland in the presence of the Federal Administration. Whatever may have been the original strength of the supporters of the measure, the storm of opposition which soon broke forth was irresistible. Petitions poured in upon the senators, and upon members of the House also, though this body never considered the proposed bill or any similar to it.[11] S. Teackle Wallis, a member of the Legislature from Baltimore and Chairman of the Committee on Federal Relations, subsequently declared that the entire Baltimore delegation was opposed to the measure, and expressed the opinion that the framers and supporters of the bill did not at the time realize its

[11] Among the petitions was one which came by telegraph. This the Senate refused to consider, but took advantage of the opportunity to attempt to refute the charges made against the proposed bill, and to declare that these had arisen through a misapprehension of the real nature of the measure. This justification was offered simply as a defense of the past, since consideration of the proposed bill, and to declare that these had arisen through a misapprehension 1861, May 8, p. 90.

far-reaching effects, not to mention its undoubted unconstitutionality.[28] A senator who had supported the bill on its second reading explained that he had only done so in order to open it to the proposers of amendments.[29] The bill was strangled in the committee after recommitment, and no measure at all similar was proposed during the session.

Commercially Baltimore was almost prostrated. Railroad communications with the North were cut off by the destruction of the bridges on the Northern Central and the Philadelphia, Wilmington and Baltimore Railroads. Transit to the South was practically impossible since the Annapolis and Washington roads were under the control of the United States Government. Cars bringing provisions were stopped for examination at Relay and other points. Passengers were sometimes allowed to pass over the Annapolis Road after it was repaired, though for several days the United States Government would permit no coaches to pass between Washington and Baltimore except those for the sole purpose of carrying soldiers. The authorities of Baltimore after the outbreak of April 19, had forbidden the sending away of provisions from the city.[30] For a time the markets of the city were almost destitute of food owing to the fear of the country raisers to take their produce into the city. The wharves were deserted, and business in general suffered from stagnation. The condition of affairs was so grievous, that the Mayor and City Council of Baltimore petitioned the Legislature to take steps to open up communications with the North by repairing the railroad bridges which had been

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[28] Correspondence between Wallis and Senator John Sherman of Ohio.

[29] McKaig of Allegany. See American, May 10, 1861.

[30] Washington was tided over mainly by the seizure by the United States Government of the output of the flouring mills in Georgetown. Washington in March and April 1861, by Lieut.-Gen. Chas. R. Stone, Magazine of American History, volume xiv, 9-11.

injured and in some cases destroyed. Petitions of the same nature were also forwarded by private citizens of Baltimore. In response, the House of Delegates adopted a report declaring as inadvisable the opening of a route to the North, since thereby "facilities for invasion were offered to the fanatical and excited multitudes of the northern cities . . . whose animosity to Baltimore and Maryland is measured by no standard known to Christian civilization, and who publicly threaten our destruction, without subordination even to the Federal authority . . . it would hardly be consistent with the commonest prudence to reopen the avenues which would bring them to our very doors." The occupation of the soil of Maryland, and the seizure of railroads and other works of internal improvement partially or wholly owned by the state were denounced as an outrage upon the honor of the state. The resolutions also provided for the appointment of Otho Scott, R. M. McLane, and William J. Ross as commissioners to communicate in person with Lincoln, and to protest against the treatment of Maryland as a "conquered province." The threat was indirectly thrown out that the Legislature would adopt no measures to reopen communication to the North by way of Baltimore, unless the Federal Administration should explain satisfactorily the harsh measures which had been employed in dealing with Maryland. The resolutions were agreed to by both houses without a dissenting voice.

The committee subsequently reported that Lincoln in the presence of Seward and Cameron, had received them courteously, and had, in the main, agreed with them that as Maryland had not taken a "hostile attitude" against the United States, that indignities should not be cast upon her. However no definite promise was made to them that the military occupation of some parts of Maryland should cease, though the committee expressed a belief that some modification might be expected.[21]

[21] Senate Documents of 1861, Document D.

This was the first of a number of resolutions in regard to the Federal administration which were passed during the memorable session of the Legislature, and which gradually changed in tone from simple protests to violent denunciations breathing forth an air of defiant hostility to the United States Government.

The friendliness evinced towards Virginia by the Maryland Legislature is everywhere apparent in the records of the relations at this time between the two states. From the time of the election of Lincoln to the outbreak of hostilities, the mass-meetings and various forms of assemblies held in Maryland in favor of a pro-southern policy, had almost invariably staked the action of the state upon the course to be followed by Virginia. This feeling of dependence upon Virginia can be understood when it is considered that not only was Maryland connected closely with this state by an affinity of institutions and industrial activities; but also that Virginia from her geographical situation half surrounded Maryland, and controlled the outlet of her water highways. A feeling had long existed that Maryland's policy was necessarily bound up with that of Virginia. Consequently when complaints of border outrages by Virginia troops arose, the Maryland Legislature showed no irritation, but expressed a willingness to rest the case on the magnanimity of that state.

On the very day that the Legislature assembled, Hicks wrote to the Sheriff of Frederick county asking for an account of the reported seizure of property of citizens of Maryland by Virginia troops from Harpers Ferry. The report was communicated to the Legislature, on April 29, of a meeting held at Weverton, Washington county, which adopted resolutions asking protection from Virginia troops.[2] Immediately a petition was sent to Hicks from certain citizens of the same locality which protested against the resolutions of the meeting at Weverton, and

[2] Moore: Rebellion Records, volume i, p. 175.

declared that only one house had been searched by Virginia troops, and that had been done without official sanction.[33] The House of Delegates took this view of the matter by a unanimous vote, but favored the sending of a commissioner to Virginia, with powers to make arrangements for the protection of the property and citizens of Maryland from "any ill advised acts of the military forces of Virginia." The Senate concurred unanimously with the resolutions of the House, and Outerbridge Horsey was appointed as commissioner. Hicks also wrote to Governor Letcher strongly protesting against the "outrages" alleged. The members of the House of Delegates disapproved of the position Hicks had taken and declared themselves "confirmed in the propriety of postponing action for the present upon the matters in question by a correspondence between His Excellency, the Governor, and the Governor of Virginia, which they find in the newspapers, and which they presume to be authentic, from its having been several days before the public without contradiction. But for this latter fact, they would have felt it their duty to presume that the Executive would not have corresponded with the Virginia authorities upon a subject which he had brought before the Legislature, and upon which it was acting without at all events apprising us of its character or results. Doubtless however His Excellency has been governed, in so an unusual proceeding, by reasons which he deems satisfactory."[34] Horsey reported to the Legislature on June 6 that Letcher disclaimed any intention to commit outrages upon citizens of Maryland and offered to pay damages for such as committed.[35] Four or five hundred Virginia troops were en-

[33] Journal of House of Delegates, 1861, p. 54.
[34] Journal of House of Delegates, 1861, pp. 142-3.
[35] Ibid., pp. 176-82.
The claims were settled by Virginia to the satisfaction of the parties demanding damages. Journal of House of Delegates, p. 181.

camped on the Maryland side opposite Harpers Ferry. Governor Letcher on having this fact called to his attention by Horsey replied that if such occupation had taken place temporarily "it could only be justified by the pressing exigency of a military necessity in defense and protection of her own soil from threatened invasion and certainly with no hostile intent towards the citizens of the State of Maryland and that any and all damages to persons or property consequent upon such alleged trespass or occupation should be fully and liberally compensated for."[36] No objection was found by the Maryland Legislature to Virginia's attitude in spite of the fact that Virginia was opposing by force the Federal Union of which Maryland was a member. Indeed the Legislature took considerable pains to preserve cordial relations with Virginia during this session.[37]

The Legislature had shown itself at every step as entirely out of sympathy with the policy of Lincoln; yet no formal declaration on the subject was made for several weeks after the beginning of the session. The principal reason for this was the wide divergence of opinions which existed among its members, and therefore no agreement could be reached. Many sets of resolutions defining in as many ways what should be the policy of Maryland were offered from time to time and buried in the Committee of Federal Relations. Meanwhile the people of the state were anxiously awaiting some formal statement from the Legislature. After numberless conferences and attempts at compromise had taken place, on May 9, the Committee on Federal Relations in the House brought in a report.[38]

The resolutions strongly protested against the policy

[36] Journal of House of Delegates, p. 180.

[37] A commission was sent to Delaware on a purpose somewhat similar.

[38] Journal of House of Delegates, p. 106; House Documents of 1861, Document F.

of coercion adopted by the Federal Government, and declared Maryland to be entirely neutral in the conflict. Military occupation of the state by the United States Government was condemned as a "flagrant violation of the Constitution." Two other clauses were of special importance: One of these expressed a desire that the Southern Confederacy should be recognized by the United States Government, since the restoration of the former Union was deemed impossible; the second declared "that under existing conditions it is not expedient to call a sovereign convention of the state at this time, or to take any measures for the immediate reorganization and arming of the militia." The House adopted the resolutions by a vote of 43 to 13. The minority had offered substitute resolutions going no further than to declare the neutrality of Maryland while Washington should be the capital of the United States.

The Senate on the same day, May 9, had resolved that a joint committee of eight members—four from the Senate and four from the House—be appointed; two of which were to wait upon the President of the United States, two upon the President of the Southern Confederacy, two upon the Governor of Pennsylvania, and two upon the Governor of Virginia. The object aimed at was the obtainment of a cessation of hostilities until Congress should meet and have an opportunity to settle the existing troubles. On May 13, the House refused to concur with the resolutions of the Senate, urging with much reason that as Virginia and Pennsylvania were only members of general governments, they were unable to form treaties or to agree to any cessation of hostilities. Besides the House declared itself unwilling to enter into any negotiations with Pennsylvania because of the "intensity of rancor" which it was claimed the latter had exhibited towards Maryland. Indeed the whole mission was declared to be useless, since the desire of the Southern Confederacy to cease hostilities was very evident; while the determination of the United States Gov-

ernment to attempt to force the members of the former was as well known. The relations between the Senate and House became quite strained, but soon a joint committee from the two houses came to an agreement, by which no commissioners were sent to Virginia or Pennsylvania, but four to Lincoln and the same number to Davis.

It had been quite generally believed, from the previous utterances of the Legislature, that the recognition of the Southern Confederacy would be advocated; but the declaration against the calling of a convention was somewhat of a surprise—had it come a week or two earlier, it would have been much more surprising. But a change had gradually been coming about in affairs generally throughout the state. The Legislature had been assembled in answer to the demand that Maryland should be allowed to act through her constituted authorities. A large majority of the members of the Legislature had met with the intention of taking definite action in some way, but the consideration as to how this was to be done had given rise to long and even fruitless discussion. Even the proposal to allow the people of the state to decide by means of an election of members to a state convention had been declared infeasible, though for months a constant demand for a convention had been made by a large element in the state. One of the newspapers stated the opinions of the radical Union party when it declared that a convention had not been called because the members of the Legislature realized that the people would elect delegates of strongly Union views.[39] However this may be, certainly other reasons also had an influence upon the members of the Legislature in inducing them to come to a decision not to call a convention.

The so-called "Liberty Bill" had met an ignominious death, little lamented even by its advocates. A third

[39] Baltimore American, May 9, 1861.

measure which was suggested as a means by which the state could take some definite action was the proposal to arm the state militia. Resolutions having this end in view were introduced at various times into the Legislature; but that body finally decided that such an attempt would be inexpedient at the time.

The Legislature, though it had met to consider and to adopt measures which would secure the welfare of the state, had really done nothing beyond protesting against the policy of the Federal Administration. That Assembly, however much the nature of its resolutions may be condemned or approved of, should not be charged with an intention to waste time. The majority of the members of that body, holding the views that they did, found themselves unable to act otherwise. The rapid course of events was constantly rendering more imperative either a policy of inaction, or an endorsement of the Federal Administration. The latter the Legislature most assuredly would not give. It is therefore advisable to notice the trend of events which had brought about this condition.

The inevitable reaction which follows every outbreak of violence was very marked after the disorders in Baltimore. Hardly a week had elapsed from April 19, before a change in feelings, as far as expressed, was perceptible. How far this result was due to the facts that the Union sentiment had held itself in abeyance on that day; how far to the "sober second thought" and to a clearer realization of the misery and bloodshed which a war necessarily entailed; and how far the radical pro-southern element was overawed, and the "Union" adherents encouraged by the nearness of armed forces of the United States Government, are questions which are not easily answered. The fact remains that the radical Union party constantly increased in strength and boldness. Newspapers which had given a very lukewarm support to the Federal Administration, became more pronounced in its advocacy. One paper which had always been strongly pro-southern, and

which, just after April 19, had condemned Hicks for not having called the Legislature together so that steps might have been taken to avoid the outbreaks of that day, and had declared that there existed an urgent necessity for calling a state convention to decide Maryland's policy, later advocated a passive course. It held that if the state should decide to withdraw from the Union, it was best to wait until the war was over, when such action could be taken without placing the property and lives of the citizens of the state in jeopardy. For the present, Maryland should remain neutral. It would be madness to attack the Northern states; while hostile action towards the Southern states should be avoided, since it was very probable that on some not distant day, Maryland would unite with them. A few days later the paper still advocated a convention, but only with the modifying provision, of questionable constitutionality, that the Legislature in calling the convention should stipulate that no ordinance of secession should be passed as long as Washington should be the capital of the United States. The prediction was added that the removal of the seat of government from Washington would not occur in the lifetime of the present inhabitants of the state nor of their immediate posterity. This lumbering statement can mean little else than an expression of opposition to Maryland's leaving the Union at any time.

On May 1, the United States flag was[80] hoisted at the custom house in Baltimore. A Union convention met on May 2, and decided to adjourn until May 23, to give the members from the counties opportunity to attend.[81] Mass-meetings were held which condemned the proposed "Safety Bill" and expressed approval of the Federal Government. On May 6, General Trimble issued

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[80] Baltimore American and Sun, etc., May 2, 1861.

[81] Baltimore American, May 3; Baltimore Sun, May 6; Clipper, May 8.

an order disbanding the local guards which had been organized on, and shortly after, April 19.[83] Mayor Brown in a communication to the City Council of Baltimore expressed the opinion that the people of Maryland had decided to submit to the Federal Government.[84] He therefore advised the City Council to request the Legislature to repair the railroad bridges.[84] Within a week's time he withdrew the order forbidding the display of any flags in the city. The bridges were eventually repaired, after the refusal of the Legislature to do so, and by the middle of May, traffic over the roads went on.

Governor Hicks had not been in personal consultation with Lincoln or members of his Cabinet since April 17, when he had attempted to impress upon them the general unwillingness of the people of Maryland to aid in coercing the Southern states; but his correspondence with Washington during the following two weeks is quite large. Though he had opposed the occupation of Annapolis by Federal troops, he soon realized that the passage by way of that city was the course which was the least likely to arouse opposition from the radical pro-southern element in the state. The decidedly unfriendly tone which the Maryland Legislature adopted towards the United States Government at its convening, together with hostile utterances of the newspapers of the North, led Hicks to believe that attempts would be made by the Federal administration, or more probably by volunteer companies from the North on the way to Washington, to force a way through the streets of Baltimore. On April 30, while in Frederick, Hicks wrote to Scott urging him to prevent such steps being taken.[85] The next day Reverdy Johnson went to Washington bearing a letter from Hicks, in which the

[83] Baltimore American, May 7; Baltimore Sun, May 7.
[84] Baltimore American, May 8; Baltimore Sun, May 8.
[84] Baltimore American, May 8; Baltimore Sun, May 8.
[85] Letter to Scott is to be found in the Letter Book of the Executive.

latter obligated himself in advance to agree to any terms which Johnson should make.[88] Both of these letters indicate that whatever of indecision had existed in Hicks' mind as to what should be his attitude towards the United States Government, was now gone; and his intention to support the Federal administration was unmistakably manifested. The letters also show Hicks' belief that a great change was coming over public feeling; and that as a consequence, the sentiment would soon be almost unanimously in favor of the Union. Yet he realized that any exercise of force in Maryland would abruptly stop the movement which had set in. Therefore, he urged that Maryland be let alone entirely for a while. In the present case, he never denied the right of the United States to pass troops through Maryland, but simply declared that such an action was ill-timed and would tend to prolong and intensify the disturbances which then existed in the state. Whether his policy is justifiable or not on ethical grounds, it was certainly the one, under the circumstances, which was most conducive to the restoration of order in the state; and to his influence with the Administration during the following month, is largely due the securing for Maryland even of the small measures of independence of action which was left to her.

The strained relations which had existed between Hicks and the Legislature during the year previous have been touched upon. After that period the members of the dominant party in the Legislature had unsparingly condemned Hicks for not having called a special session. With these facts in view, it is not surprising that little coöperation

[88] Letter is to be found in the Letter Book of the Executive. Reverdy Johnson had been very active in his efforts to secure from Lincoln a cessation of hostilities. The latter had once gone so far as to say in a confidential letter of April 24 to Johnson: "I have no objection to saying a thousand times that I have no purpose to invade Virginia, nor any other state, but I do not mean to let them invade us without striking back."—Nicolay and Hay: Abraham Lincoln, volume ii, p. 37.

between the executive and legislative departments of government took place at this time. The Legislature had hardly assembled before a collision came on the questions of military affairs. During the excitement on April 19, Hicks had consented to call out the military companies of Baltimore; but he later became of the opinion that the formation of local guards throughout the state was inadvisable; since, he declared, the larger number of the members of these companies wanted to go into the service of the Confederacy, and were only holding back in the hopes that Maryland would secede. On April 29, Hicks issued a proclamation "warning all persons from enlisting on military service within the state without complying with the conditions imposed by law," etc. Hicks based the justification for his action on the ground that these military companies are "subversive of good order, and in the present excited condition of the public mind, are well calculated to imperil the public peace."[37] On May 6, Hicks issued a proclamation declaring that the commission of Tench Tilghman, who had been appointed Major of the 2nd Division of Maryland militia, was invalid because of the failure of Tilghman to comply with certain provisions of the law.[38] This order aroused considerable adverse criticism from the pro-southern element, since it was believed to have been done as the first step in the placing of the control of the state militia in the hands of those who were in sympathy with the Federal administration. The House of Delegates soon took an occasion to express its disapproval of these acts of Hicks, and declared that the charge against Tilghman was based only upon the flimsiest of pretexts; and thereupon voted to make valid his commission.[39]

The sessions of the Legislature were held in a strong-

[37] Baltimore Sun, May 2, 1861; Baltimore American, May 1, 1861.
[38] Baltimore American, May 8, 1861.
[39] Journal of House of Delegates, p. 128; Journal of Senate of June 20, p. 236.

hold of the "Union" party; nevertheless Hicks was by no means freed from possible danger while in Frederick. If well-matured plots against his life and liberty did not exist, certainly much talk to that effect, as hitherto, was rife. An interesting story is told by a writer, who was prominent at that time as a radical sympathizer with the Confederacy, of a plan, in which he was to be a principal, to ride into Frederick with a detachment of soldiers, seize Hicks and carry him to Virginia, hoping thereby to give the Anti-Administration party in Maryland free rein. The design was communicated to the members of the Legislature unofficially, but they showed such vigorous opposition that the scheme was dropped.[40]

On May 5, Butler, in obedience to an order from Scott on the preceding day, took possession of Relay, only a few miles from Baltimore, and the occupation of the latter soon followed.[41] During the night of May 13, Butler quietly entered Baltimore. Less than a month before, the streets of the city had been crowded with great masses of men, forcibly resisting the passage of troops to Washington. But at this time, little or no opposition was offered, though the United States soldiers came to take possession of the city. This is largely to be accounted for by the fact that the entrance was effected almost before any opposition could have taken place; but also a change in feeling had come about in Baltimore, and violent opposition to the Federal administration had largely given away to an appearance of apathy. Butler immediately issued an ordinance which practically put the city under martial law.

As soon as Scott had heard of the occupation of Baltimore, he censured Butler severely.[42] It seems probable however that the rebuke was called forth from the Admin-

[40] Military History of the Confederacy, Volume on Maryland, pp. 36-37, by Bradley T. Johnson.

[41] War of Rebellion, series i, volume ii, p. 620.

[42] War of Rebellion, series i, volume ii, p. 28.
Butler was soon removed from the command in Baltimore.

istration more because Butler had dared to take the step without positive orders, than that the cabinet was adverse to seeing Baltimore seized by the army of the United States. Indeed, the fact can be shown clearly that the occupation of Baltimore had been considered for some time by Lincoln and the War Department. As early as April 29, Cameron had accused the authorities of Baltimore of bad faith, and declared that the necessity existed of occupying the city.[45] On the next day Scott wrote that "the next step will be by force to occupy Baltimore."[46] The proposed attack as outlined by Scott was to be made by forces coming from four points and meeting at the same time before the city. One force was to come from Relay; a second from York, Pa.; a third from Havre de Grace; a fourth from Annapolis by water. In the conclusion of the letter giving a detailed account of the plans, Scott wrote: "Nothing shall prevent the occupation of Baltimore by a competent force but the voluntary reopening of free communications by rail and wires through Baltimore and Maryland before our preparations are ready."[47] Connection between Washington and the North, by way only of Annapolis and Havre de Grace, by water, was looked upon by the Administration as needlessly long, circuitous, inconvenient, liable to serious derangement, and on the whole inconsistent with the dignity of the United States Government. On May 3, Cameron declared that the "Administration cannot afford to temporize with Baltimore." "They (the people of Baltimore and of Maryland at large), must agree to restore the property they have destroyed, and make reparation for damages, before we can open communication by their city. They must also agree that the Federal Government shall have the absolute right to move troops through their city or to quarter them in any part of the state."[48] On May 4, Scott decided that

[45] War of Rebellion, series i, volume ii, p. 604. [46] Ibid., p. 607.
[47] War of Rebellion, series i, volume ii, p. 607. [48] Ibid., p. 618.

it was advisable to increase the forces which were to make the attack upon Baltimore. Butler was ordered to move up to Relay and concerted action between Butler, Commander of the Annapolis Department, and Patterson, Commander of the Pennsylvania Department, was insisted upon.[47] Scott again and again urged that operations should begin, but Patterson delayed the carrying out of the plans on the ground that his troops were not adequately equipped.[48] At this juncture, Scott was led to believe that the authorities of Baltimore would not oppose the passage of troops through the city, and indeed would offer protection to them. Thereupon he deferred indefinitely the attack on the city and ordered Butler to retire from Relay.[49] Mayor Brown in a message to the City Council had set forward the inadvisability of offering any open resistance to the operations of the United States Government; and the public at large actuated by this and other reasons, seems to have decided upon such a course of action, for on May 9 United States troops passed unmolested through Baltimore.[50]

The Administration had realized the necessity of having Baltimore under its control, not only because the hostile elements therein constituted a constant menace to Washington, but also because a clear route to the North was imperative; and had decided to adopt vigorous measures to secure this end. The only thing which prevented Baltimore, near the end of April or in the early part of May, from being surrounded by four divisions of United States troops for the purpose of being carried by storm, was the unwillingness of Patterson to take the field at the time. In view of the excitement prevailing in the city, and the vigorous preparations for defense which were going on, it is quite probable that resistance would have been

[47] Ibid., p. 620.
[48] War of Rebellion, series i, volume ii, 622-628. [49] Ibid., 627.
[50] Baltimore Sun, May 8; Baltimore American, May 8; ibid., May 10.

offered to the United States forces. Had Baltimore been fired upon, it is possible that the Legislature would have been swept along by the upheaval of public sentiment in taking steps looking towards secession.[81]

Just before the occupation of Baltimore, a fear grew up in Frederick that a large body of men were coming from the former to sustain the Legislature, which was rumored to be on the eve of adopting measures favorable to secession.[82] The danger was felt to be so great that Hicks called out the militia forces available, under General Shriver, and the Judge of the Court of Frederick county sent to Butler for assistance.[83] The situation in Frederick undoubtedly had much to do with influencing Butler to seize Baltimore. It is not clear whether Hicks advocated such a movement, or even knew of it in advance; still he was in close communication with the Federal administration by this time, though not yet altogether in sympathy with the coercion policy being carried out.

The occupation of Baltimore took place when the Legislature was on the eve of adjournment. The House and Senate after having come almost to an open breach on some questions, were agreed that it was useless to attempt to offer any active opposition to the policy of the United States Government as evidently planned for Maryland and the Southern states generally. Annapolis and Baltimore were occupied by United States troops, and the state as a whole was under the watchful surveillance of the Federal administration. The strength of the unconditional Union party in the western part of the state had been

[81] Butler expressed great indignation at his treatment by Scott, and tried to justify his course upon the ground that Baltimore, because of its size and the unfriendly spirit it had exhibited towards the United States Government, was a constant source of trouble. Lincoln soon afterwards made Butler a Major-General.

[82] During the last days of this session of the Legislature, the feeling in that body towards the United States Government seemed to have been much more hostile than previously.

[83] War of Rebellion, series i, volume vii, p. 630.

shown by the municipal election in Cumberland, and the election of Fiery of Washington county, to fill a vacancy in the Legislature, almost without opposition.[84] The members of the Legislature realized that they were unable to cause Lincoln to change his policy in regard to Maryland, yet they were not willing to leave the control of state affairs entirely in the hands of Hicks. They believed, with much reason, that he would be adverse to summoning again in special session that body which held and expressed views so contrary to his own; for by this time the opinion prevailed generally that Hicks was entirely on the side of the Federal administration, though he still seems to have thought that the state could remain practically neutral.[85] The Legislature declared that the supreme welfare of Maryland was in jeopardy, and therefore decided that it was necessary for it to meet from time to time, as the occasions should demand, so as to be in readiness to protect as far as possible the interests of the state. The adjournment was to last until June 4. Ever since the Legislature had been in session much dissatisfaction had been expressed by a number of its members, that Frederick and not Annapolis should be the place of meeting. Propositions were offered to reconvene on June 4 in Annapolis, but these were held to be undesirable because of the presence there of United States troops. Baltimore was equally as objectionable to the majority of the members for the same reason. The towns on the Eastern Shore were inconveniently located. Finally Frederick though a stronghold of radical "Union" sentiment, was agreed upon after futile efforts had been made to secure an adjournment *sine die*. These attempts had failed though they were supported by the radical "Union men" and by a number of members of very strong Southern sympathies who were convinced that

[84] Held May 4, 1861. Vote—Fiery, 3,952; scattering, 132. Journal of House of Delegates, p. 78.

[85] Hicks on May 14 called for volunteers to fill the first quota called for by Lincoln.

the Legislature could do absolutely nothing to stay the hand of Lincoln.

At this day it is not exactly clear what the Legislature hoped to accomplish by deciding to reconvene on June 4. The rather vague and indefinite statements which were made at that day, that the highest organ of government should in times of so great moment and peril, be always ready to act, in view of the circumstances even as understood then, do not explain much. It seems to have been held that, as a last resort, if the oppression of the United States Government should become intolerable, the people of the state, acting through the official organs, could offer resistance. However that may be, the Legislature must have realized that the anti-administration party, if not losing in numbers, was constantly becoming more and more helpless.

On the day of the adjournment of the Legislature, Ross Winans, a member of that body from Baltimore, was arrested by an officer of the United States army, acting without a writ from a civil magistrate. Hicks who was on the same train tried in vain to secure the release of Winans. Shortly afterwards, Winans was released on a promise not to extend assistance to the Confederacy. This arrest was bitterly criticised.

On May 14, after nearly a month of hesitation, Hicks issued a call for four regiments to make up the quota of Maryland as fixed by the proclamation of Lincoln on April 15. John R. Kenley was empowered by Hicks to take charge of these regiments.[88] Hicks still seemed to have an idea that a neutral position was possible for Maryland—at least in a measure so—for in his proclamation, he declared that the troops were not to be sent outside of Maryland and the District of Columbia. Cameron promptly refused to accept this offer of troops on the grounds that volunteers for three months were not de-

[88] Letter Book of the Executive, May 14.

sired."[87] Lincoln had shortly before sent out a second call for troops who were to serve three years. However recruiting stations were set up in Baltimore, Frederick, and other places, and no great difficulty was experienced in obtaining volunteers.[88]

These facts clearly mark the end of the struggle of Maryland through her official organs against the United States Government, and the beginning of that period when the state, partly through force, and partly through inclination, is found actively supporting the policy of the Federal administration. Concerted opposition to the United States Government was rendered almost impossible; and thenceforward the latter had to deal with individual cases almost entirely. After months of uncertainty, confusion and tumult, Hicks very materially aided by the Federal administration, had outplayed his opponents and was winning steadily.

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[87] Letter Book of the Executive, May 17.

[88] Subsequently throughout the war, Maryland nearly filled the quotas demanded.

CHAPTER IX.

RUPTURE BETWEEN HICKS AND THE LEGISLATURE.

Hicks now made very apparent his intention to lend active assistance to the United States Government. That hesitation under which he had previously labored, seems to have left him entirely; and his course was henceforth almost completely free from those vacillations which at times were perhaps more apparent than real, and not so serious as often claimed, yet which for a time, had kept Lincoln, and, in fact, the people of the North generally, in a state of apprehension.

If any doubt existed as to the position of Hicks, it had adequate ground for removal by the appearance of the following order:

STATE OF MARYLAND,
ANNAPOLIS, May 30, 1861.

To COL. E. R. PETHERBRIDGE:

Sir: You are hereby directed to collect immediately all arms and accoutrements belonging to the State of Maryland and hold the same in safe keeping subject to my order.

THOS. H. HICKS,
Governor of Maryland.[1]

Hicks followed up this order by a proclamation calling upon the people of Maryland to deliver state arms in their possession to Colonel Petherbridge.[2] The importance of this step is evident when it is realized that the companies throughout the state which were affected by this order

[1] Letter Book of the Executive.
[2] Moore's Rebellion Record, volume i, pp. 347-8.

were, in the main, in sympathy with the Confederacy. Hicks asserted that the existence of military companies was a constant source of unrest in the state, and therefore he had decided to collect the arms belonging to the state. The order was gradually carried out, though not without much opposition in some places. By the law of 1860, two armories had been provided for; one at Easton and the other at Frederick, which were to serve as headquarters from which the arms were to be distributed. Hicks did not stop at merely collecting the arms, but removed those in Easton to Fort McHenry, and distributed a part of those in Frederick among local companies or associations of citizens who had joined together in a somewhat irregular manner in forming organizations for the protection of the city.[3]

Whether the order had for its primary object the removal of a cause of disturbances, or was designed to prevent any united opposition from being offered to the Federal Administration in the state, the measure was bitterly criticised. On June 5, the day after the Legislature reconvened, the Senate passed a resolution calling upon Hicks to give his reasons for his policy in this respect, and what securities he had that the arms would be given up by the United States Government on the demand for the same by the authorities of the state.[4] Hicks in reply denied the right of the Senate to ask these questions, but expressed his willingness to give the information desired. The arms were collected, he stated, since they were being carried outside of the state to aid "those persons now in rebellion against the United States Government." Fort McHenry was chosen as the place of depository on grounds of prudence, since arms had been stolen from the state arsenal in Baltimore. He added by way of conclusion: "The security I have for the restoration of said arms when

[3] House Documents of 1861, Document I.
[4] Journal of the Senate, p. 143.

demanded by the proper authorities of the state lies in the honor of the United States Government, and its loyal officers. I should have deemed it absurd and insulting to have required any other security."[8] The letter of Hicks only served to increase the estrangement between himself and the Legislature, which had long existed, and consequently their relations towards each other for the rest of the session were characterized by an absolute lack of coöperation. Recent events had shown Hicks to be engaged in actively assisting the Federal Administration in its efforts to secure the assistance of Maryland in the war. What the Legislature had lost in power it made up in the bitterness with which it criticised and condemned the acts of Hicks and Lincoln, which acts it was powerless to prevent. Hicks looked upon the situation as a triumph for himself. He claimed to believe that his course was approved of by his constituents, and moreover he was assured of the strong arm of the United States Government to assist him in carrying out his plans. From the Legislature he needed no longer to fear any serious check, and subsequently his attitude to that body was that of only slightly disguised contempt and defiance.

With these considerations in mind, the position taken by the Senate is better understood. On June 21, that body by a vote of twelve to four vigorously denounced Hicks, calling the collection of arms a "palpable usurpation of authority," and styling Hicks a "military despot." The Senate declared that "it is the imperative duty of the Legislature to make a direct issue with the Governor of the powers thus claimed, and to confine him to the exercise of the powers and duties confided to him by the constitution and the laws."[9] Hicks was requested to return the arms to the military companies from which they had been collected. It is hardly necessary to add that the "request" was not granted.

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[8] Journal of Senate, p. 152. [9] Journal of the Senate, pp. 251-4.

The law providing for the distribution of arms, etc., to military companies had required that the captains of these companies should give bond to the state for the safe keeping and return of these arms. Hicks had justified his course in collecting the arms on the grounds that not only were they being put to "treasonable" use by being sent to the South, but that also the State of Maryland was continually incurring financial loss thereby. The Legislature tried to protect the captains of those companies, which by accident or design had parted with arms received from the state, by passing a law that no actions should be taken against the bonds of these officers.[7] The act was remedial in effect. With due allowance made for a belief by the Legislature that the officers should not be held responsible for acts of individual members of the companies who had availed themselves of the general excitement to send or to carry arms belonging to the state to the South, yet the law passed by the Legislature can hardly be regarded as other than an indirect attempt to assist the cause of the Confederacy.

The House of Delegates came to a breach with Hicks even sooner than did the Senate. On June 5, Hicks, in response to a resolution of the House, sent the following letter:[8]

EXECUTIVE CHAMBER,
FREDERICK CITY, June 5, 1861.

GENTLEMEN OF THE HOUSE OF DELEGATES:

In response to your order of this date, requesting me "to furnish you, without delay, copies of all correspondence which may have taken place between myself and any officer or officers of the General Government since the 4th of March last," I have to say that I have already furnished your honorable body with copies of all correspondence between myself and officers of the General Government which I deem it necessary to lay before you.

THOS. H. HICKS.

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[7] Senate Journal, p. 264. [8] Journal of House of Delegates, p. 182.

The abrupt tone of this note was not of a nature to remove the impression prevailing among members of the House of Delegates that Hicks had long been in active though secret coöperation with the Federal administration, and had been privy to the plans of those operations which were rendering constantly the state less able to oppose in any way the United States Government. A committee was then appointed to examine the records in the office of the Secretary of State of Maryland, and to find out the exact relations which had existed since March 4, 1861, between the Executive Department of the state and the General Government.[9] Several days later, Hicks sent a letter to the House of Delegates in which he accused that body of deliberately insulting him.[10] He declared that he had voluntarily given the Legislature a full account of the correspondence with the General Government, though he was under no obligation to do so.[11] However, he was willing to give the committee free access to the executive records. The investigation led to only a few important disclosures, since the correspondence of Hicks was seldom placed in the record books.[12]

The arresting of civilians by military agents of the General Government, acting without the coöperation of the civil authorities, was considered for some time before put into operation. The suspension in Maryland of the writ of habeas corpus had been recommended as an extreme measure by Lincoln in a letter to Scott as early as April

[9] Committee consisted of Pitts, Mills and Compton. Journal of House, p. 244.

[10] Journal of House of Delegates, p. 266.

[11] Article II, Section 23 of the Constitution (1851) gave either branch of the Legislature the right at any time to inspect the "record of all official acts and proceedings." Hicks was undoubtedly wrong in his position.

[12] The records of the preceding months were, as a rule, not copied in the regular books at this time, and were therefore more or less inaccessible.

Letter of J. R. Partridge, Secretary of State, to Hicks, June, 1861 (MS.).

25;[13] and the latter, the following day, apprised Butler of this proposed step.[14] On April 27, Lincoln formally empowered Scott to suspend, whenever he (Scott) should deem it necessary, the writ of habeas corpus anywhere on or in the vicinity of any military line between Washington and Philadelphia.[15] The refusal of General Cadwallader to obey a writ issued by Chief Justice Taney for the relief of John Merryman, and the subsequent events in this famous case are well known.

The introduction of this phase of military rule aroused great opposition not only in Maryland, but in other parts of the Union where enforced. The House of Delegates on reassembling on June 4, inquired of Hicks what he had done "to protect the citizens of the state" from the arrests by the armed forces of the United States Government.[16] Hicks replied that he had received neither any "official information" of such arrests, nor any complaints from persons so arrested, consequently he had taken no action whatever.[17] The House retorted that he hardly needed to be "officially" informed of acts which had attracted the attention of the whole country, and had called forth an elaborate opinion from the Chief Justice of the United States. Hicks was also reminded that only a few months before he had deemed rumors and anonymous letters to be of sufficient importance as to engage his careful consideration. The resolutions adopted by the House of Delegates, besides containing a scathing criticism of Hicks, protested against the exercise of military rule in Maryland as being "subversive of the most sacred guarantees of the constitution, and in flagrant violation of the fundamental and most cherished principles of American free government."[18] Hicks' position that the lack of official notifica-

[13] Nicolay and Hay: Works of Lincoln, volume ii, p. 38.
[14] War of Rebellion, series i, volume ii, p. 601.
[15] Nicolay and Hay: Works of Lincoln, volume ii, p. 39.
[16] Journal of House of Delegates, p. 170. [17] Ibid., p. 183.
[18] House Documents of 1861, Document H.

tion precluded any action on his part was hardly tenable, and his declaration seems to have been an attempt at evasion. Certainly the Chief Executive of a state, in a matter of such widespread interest and importance would hardly believe it necessary or even advisable to defer his action, if he intended taking any at all, until he had been formally notified of the facts in the case. At that time he could not have opposed the suspension of the writ because the matter was such a serious one that such a step would have required him to have broken away from the Federal administration. This he was unwilling to do; nor could he with impunity have supported the policy of the latter in face of the almost universal outcry of disapproval in the state.

Just about this time another incident occurred which indicated that Hicks had determined to draw more closely to the Federal administration. He requested Scott to send a detachment of United States troops to occupy Frederick. On the compliance of Scott, Hicks wrote to General Patterson, commanding in Pennsylvania, on June 9, for a detachment of troops. The reasons assigned by Hicks for his request for Federal aid were; first, to guard Frederick from an attack by "rebels at Harpers Ferry," and second, to stop the sending of provisions from Frederick to the South."[19] Patterson after some delay replied, saying "that the people throughout your state, and especially in the vicinity of Frederick, shall have protection as soon as I can extend it consistently with the safety of other important interests confided to me and movements, one object of which is to rid you forever of the parties of whom you complain."[20]

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[19] Letter Book of the Executive.

[20] War of Rebellion, series i, volume ii, 673.

At first Patterson received the messenger of Hicks, Gen. John A. Steiner, somewhat coldly, saying that the people of Maryland had forfeited their right to protection by their conduct on "April 19th" and subsequently. Indeed he refused to take any action until Gen. Steiner should return with an official letter from Hicks. Hence the letter quoted above.

The change which had come about in Hicks' position is well evidenced by the letters to Scott and Patterson. Formerly he had opposed the landing at Annapolis of United States troops which were to pass only through the state to Washington; he had even changed the place of meeting of the Legislature presumably because he wished to avoid any influence being exerted over the deliberations of that body by the presence of a Federal army. Yet now he calls on the United States Government to send troops to take possession of that city, which for the time being was the seat of the state government. Hicks certainly desired the troops of the United States Government in Frederick for the purpose of serving as a check and overawing force upon the Legislature.

Another tilt occurred between Hicks and the House of Delegates over the question of the state arms. A number of these while on their way to a volunteer company in Worcester county were seized by Butler on May 14. Hicks was asked by the House of Delegates if these arms were seized by his authority, where they were at that time, and whether any attempt had been made to secure their recovery. Hicks sharply replied that the first question was impertinent, and for an answer to the second, the Legislature was referred to Butler![21] The House not to be outdone in a display of acerbity of feeling, promptly returned the message to Hicks.[22]

On June 8, the Senate sent an order to Hicks for a list of the nominations which he had made during the recess of the Legislature.[23] Hicks refused to comply with this request on the grounds that the law requiring him to send nominations did not apply to special sessions.[24] At that time the question was of unusual importance, since the men appointed to positions were assured of their places

[21] June 17, Journal of House of Delegates, 268.
[22] June 18, Journal of House of Delegates, 274.
[23] June 8, Journal of Senate, 165.
[24] June 19, Journal of Senate, 218.

according to Hicks' interpretation until the following winter; while if the Senate could act immediately upon the list of appointments, those nominees who were inclined to favor the Federal Administration would undoubtedly have been rejected. At this time even minor officials were in a position to aid or to impede quite seriously the exercise of jurisdiction by the United States Government. Hicks, however, persisted in refusing to send the list to the Senate.[35]

It is needless to go more at length into accounts of the disputes between Hicks and members of the Legislature, who were now openly at loggerheads. Hicks ignored the Legislature whenever possible, although official relations with that body did not altogether cease at this time.

The attitude of the Legislature toward the United States Government, as might be imagined, became more marked in its hostility, and the expression of friendliness for the Confederacy became more and more pronounced. On May 13, commissioners from both houses had been appointed to see both Lincoln and Davis, and to attempt to secure a cessation of hostilities until Congress should assemble. On June 4, the committee to which was assigned the duty of waiting upon Lincoln obtained its discharge on the grounds that the movement of Federal troops into Virginia, and the active commencement of hostilities had rendered their mission useless.[36] Two weeks later the committee which visited Davis delivered to the Legislature a letter from him in which he expressed his appreciation of the suggestions and expressions of good will sent by the Maryland Legislature, and declared that the Confederacy desired simply to be left alone.[37] The resolutions adopted by the Legislature differ but little from those of the previous sitting, except in being more radical in tone. By

[35] The language of the law is not clear, but it would seem as though the Senate had the better argument on its side. Constitution of 1851, Article II, Section 11-14.

[36] Journal of Senate, 140.

[37] Journal of Senate, 179.

large majorities in both houses, resolutions were adopted which protested against the suspension of the writ of habeas corpus, military occupation of Maryland, and the war against the Confederacy. The question of the right of a state to secede from the Union came up again in this way. The resolutions as at first prepared had declared that secession was justifiable, not on constitutional, but on revolutionary grounds, and that coercion received no sanction from the constitution. An effort was made to amend this report by substituting a clause which proclaimed secession to be a constitutional right; also an amendment which expressed approval of the coercion policy of the Federal administration was proposed, but both of these attempts were unsuccessful. The result agreed upon was of the nature of a compromise, though the odds were in favor of the former; still it must be admitted that the phraseology of the resolutions is somewhat obscure. It was resolved: "That the right of separation from the Federal Union is a right neither arising under nor prohibited by the Constitution, but a sovereign right independent of the Constitution to be exercised by the several states upon their own responsibility."[28] Senators Pearce and Kennedy were requested to vote for the recognition of the Confederacy by the United States Government, and to present to the United States Senate for record the solemn protest of the Legislature of Maryland "against the manifold usurpations and oppressions of the Federal Government."

An unsuccessful struggle was again carried on to secure an adjournment *sine die*, but it was decided that the Legislature should reconvene on July 30. On June 25, the Legislature adjourned after a session even more nearly devoid of positive legislation than the previous one. Some slight comfort was, however, declared to be derived from the thought that Congress, which would shortly convene, might be able to restore peace.[29]

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[28] Document J of Senate, 1861; Document K of Senate, 1861.
[29] Congress met on July 4, 1861.

Whatever hopes were entertained that Congress on assembling would secure a cessation of hostilities were shattered by the time the Maryland Legislature met on July 30, for the last of its memorable sessions. The energies of the United States Government were being exercised in the promotion of plans for the vigorous prosecution of the war. Baltimore had passed almost entirely under the management of the Federal authorities by the arrest of the police commissioners and Marshal Kane, and by the subsequent placing of the internal government of the city under the actual control, or at least careful surveillance, of the officers of the United States troops stationed there.[20] Memorials from the Police Commissioners under arrest, and from Mayor Brown and the City Council of Baltimore, were presented to the Legislature. Thereupon a joint committee prepared a long report, which was adopted by both houses by large majorities. The resolutions declared that the Government had not proved that the commissioners and Marshal Kane had attempted any armed opposition to the United States Government, and that neither Federal or state authorities had a right to interfere with the organs of the other as long as restricted to their peculiar fields. Some of these persons under arrest were not released until November 27, 1862; and then without ever having been tried, or having a formal presentment of an indictment brought against them. Lincoln, when called upon by the House of Representatives for a statement of the charges against the commissioners, declared that it was "incompatible with the public interest at this time to furnish the information called for by the resolution."[21] Indeed it was only after much heated discussion that the United States Senate consented to the printing on the Congressional records of the resolutions of the Maryland Legislature. No positive incriminating evidence was found against the

[20] Police Commissioners were arrested on July 1, and Marshal Kane on June 27. [21] War of Rebellion, series ii, vol. i, 631.

police commissioners. However, the impression prevailed at Washington that the city authorities, only because of threats of force by the Federal administration, had consented to the unobstructed passage of troops through the streets to Washington, and if for any reason the United States soldiers should be withdrawn from the city, or very much lessened in numbers, the city would take advantage of the opportunity to cripple communication with the North, and to place Washington in jeopardy. The existence of an unfriendly party in power in the city which in a measure controlled Washington was believed to be a standing menace. Scott was of the opinion that drastic measures were necessary, and that "the blow should be early struck to carry consternation." Thereupon the order for the arrest of Marshal Kane and the police commissioners resulted.[33] Arrests were made freely, searches of both public and private property were conducted in a vigorous manner, which was believed by many to be needlessly vexatious. In a short time the administration of the city was almost entirely under the control of the provost-marshal, and military rule in many places in the state was exercised.[33]

The members of the Legislature on reassembling, July 30, realized that any thought of opposition by them to the Federal administration was an idle one. The advocates of an immediate adjournment seemed to have been in a majority as soon as the session began; and but for the delay caused by the consideration of the memorials in regard to the arrest of Kane and the police commissioners, and the resolutions which were framed and adopted in protest against the action of the Federal Administration, the session would have been a very brief one indeed.[34] As it was, at the end of a week an adjournment took place. The

[33] War of Rebellion, series i, volume ii, 138-156.

[33] The official records of the "War of Rebellion" throw much fresh light upon the subject of the arrests in Maryland. See especially series i, volume ii; series ii, volume i.

[34] Senate Documents of 1861, Document M.

spirit of hostility to the Federal administration was preserved in an intensified degree to the end. As an instance of this, the Senate refused to send to the House resolutions passed by the former on June 7, which provided for the displaying of the United States flag during the session upon the temporary state-house.[28] The previous Congress at the close of its session had made a convulsive clutch at compromise by passing a proposed constitutional amendment, which provided that slavery should not be interfered with nor abolished in the slave states by the United States Government. The House of Delegates voted favorably upon the measure on April 30. The Senate had never taken definite action in the matter, and now refused to order a search to be made in the official papers of the Senate for a copy of the proposed amendment.[29]

Hicks no longer affected to be on even formal relations of amity with the Legislature, for during the short session which was held no intercourse between the two branches of government took place.

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[28] July 31, Journal of Senate, 278. [29] Journal of Senate, 279.

CHAPTER X.

SUPPRESSION OF THE LEGISLATURE.

The Legislature was to have reassembled on September 17, but just before that date many of the members of that body who were unfriendly to the Federal Administration were arrested, and the remainder not being able to obtain a quorum, made no formal attempts to organize. This suppression of the Maryland Legislature by Federal authority had long been considered before it was carried out. Before the Legislature had met for the first time on April 26, the situation in Maryland had been considered by the cabinet.[1] Divergences of opinion existed as to the proper course to be followed. Chase was especially urgent in advising that the Government should prevent any hostile action by the Maryland Legislature by preventing its assembling. Lincoln decided not to interfere with the Legislature until it should take some direct stand against the Union; because in the first place, he held, the United States Government was not justified in arresting the members or in preventing them from assembling, since they had done nothing of a hostile nature; and, second, if arrested, they could not be held permanently, and upon release they would take such action as they desired.[2] However, Scott was instructed by Lincoln to watch the Legislature carefully and to be ready to check any movement against the United States Government.

The question of breaking up the Legislature was frequently agitated in administration circles during the spring

[1] Nicolay and Hay: Abraham Lincoln, volume iv, 166.
[2] Letter of Lincoln to Scott. Nicolay and Hay: Works of Lincoln, vol. ii, 38

and summer of 1861. The result of the Battle of Bull Run gave rise to apprehensions in Washington that the Legislature would seize the opportunity to take more advanced steps in opposition to the United States Government.[3] Though the administration was in a feverish anxiety to protect Washington by collecting and massing there all available troops, yet it was not deemed advisable to weaken the garrison at Baltimore. But by the time the Legislature had reconvened, on July 30, the administration had recovered from its shock and the bands upon Maryland were more tightly drawn than ever. Many exciting rumors were afloat after the battle of Bull Run. One of these, which acquired some credence, was that Johnston's movement northward after the battle was to coöperate with the Maryland Legislature, which had passed an ordinance of secession in secret session at the previous sitting.[4] Hicks even wrote to Cameron advising him to arm the "Union" men in the state, and so attempt to check the "secessionists," who had taken fresh courage from the defeat of the Federal army.[5]

On September 11, McClellan suggested to Cameron that prominent anti-Administration men in Maryland, including several members of the Legislature, be arrested.[6] Cameron immediately issued orders for the arrest of all the members of the Legislature; or as large a number as would be necessary to insure the failure to pass an ordinance of secession; for he claimed rumor stated that an effort would soon be made to carry Maryland out of the Union.[7] Only a small number of the members of the Legislature appeared in Frederick, and these were mainly of the "Union party"; and therefore the arrests were made in

[3] Letter of Scott to McClellan, July 21, 1861. War of Rebellion, series i, vol. ii, 749. Dix replaced Banks in command on July 23.
[4] Referred to by a correspondent in a letter to Hicks, etc.
[5] War of Rebellion, series iii, vol. i, 463.
[6] War of Rebellion, series i, vol. v, 193.
[7] War of Rebellion, series ii, vol. i, 678.

various places, especially in Baltimore.[8] During the week following September 11, the men on the proscribed list were gradually placed under confinement, and then sent North for imprisonment.[9] Petitions and letters immediately began to pour in upon the Federal Administration urging the release of the prisoners. As a rule those who were held to be but slightly dangerous because of their inferiority of influence or ability, or were less pronounced in their opposition to the United States Government, were soon given an opportunity of being released upon taking the oath of allegiance. General Dix, indeed, was opposed to releasing any of the prisoners until after the November elections. A number, however, refused to take advantage of the offer, since such an action on their part would seem to admit the legality of their arrest;[10] while of course some were not willing to take the oath of allegiance under any circumstances. On November 26, 1862, an order was issued by the United States Government for the unconditional release of Maryland "state prisoners." On the following day those still in confinement at Fort Warren, Boston Harbor, were set free.[11]

So ended in this informal manner the exciting sessions

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[8] War of Rebellion, series ii, vol. i, 684. Letter of General Banks to R. B. Marcy, Chief of Staff.

[9] General Banks had planned to carry out the instructions in an imposing manner. Officers of the United States army were to appear at the same time before both houses of the Legislature while in session and to order the arrest of the members in their seats. The failure of the Legislature to convene necessitated a less dramatic, though as effectual, method of procedure. Twenty-nine members of the Legislature were arrested at this time. Besides these, one, Senator McKaig, of Allegany county, had been arrested before and then released on parole. Ross Winans had also been arrested on May 14 and released. A number of the members of the Legislature had left the state. As for instance, Senator Yellott, of Baltimore, had gone to Virginia, and Delegate Brune, also of Baltimore, had left for Canada. War of Rebellion, series ii, vol. i, 667-679, 681.

[10] War of Rebellion, series ii, vol. i, 740-748.

[11] War of Rebellion, series ii, vol. i, 748.

of the Legislature of 1861, often known as the "Rebel Legislature." Whatever may have been the desires of some of the members of the Legislature, or even of the majority of them, certainly that body had made no direct efforts to break away from the Union. Indeed it had declared its inability to pass an ordinance of secession, and also had eventually decided not to call a state convention to determine whether or not the people of the state wished a separation from the Federal Union. However, the Legislature by resolutions expressed repeatedly a desire for the recognition of the Southern Confederacy, and did not hesitate to use very strong language in condemning the policy of the Administration, both as applied to Maryland and to the states adopting secession. The Legislature had been regarded by the Federal administration and by the members of the radical wing of the Union party with mingled feelings of apprehension and contempt. The opinion was held by both Lincoln and Davis that the Legislature of Maryland desired an opportunity to take steps looking towards placing Maryland in direct alliance or union with the Confederacy. Lincoln was ready by force of arms to check any decided movement against the Union by the Legislature, and this the latter realized. There can be no doubt that a majority of the members of the Maryland Legislature desired to see that body take a more advanced position of friendliness to the Confederacy than was really done; yet it is by no means certain that the larger part of those members just mentioned wished to see the state break away from the Union. A number of the leaders of the pro-southern party in both houses repeatedly declared that no such intention was entertained by them. However, a number certainly desired immediate secession, while others looked forward to separation in the future.

As far as positive legislation is concerned, the series of the stormy sessions of 1861 were almost entirely devoid of result. The Legislature could not do what it wanted to, and would not do what it could, hence the record was

practically barren. The numerous resolutions passed express most eloquently a feeling of protest against coercion by the United States Government, and against the enormous development of the authority of the latter, resulting from a vigorous application of principles of "war" and "implied powers." Whatever may be the correct way of regarding these resolutions, whether as treasonable in opposing the course of the Federal Administration and in expressing sympathy for its opponents, or as patriotic in insisting upon a so-claimed rigid adherence to the Constitutions of Maryland and of the United States, the lucidity as well as the boldness—approaching indeed to rashness—with which they are expressed, are alike noteworthy.

The arrests which had been made, the suspension of some of the newspapers and the establishment of a real, if not nominal, censorship over the remainder, and the breaking up of the Legislature by order of Lincoln, nearly completed the placing of Maryland under the direct control of the Federal Administration.[32] Hicks gave an unqualified endorsement of the action of the administration in this matter,[33] and advised Banks[34] shortly afterwards to be

[32] William Price wrote on September 25, 1861, to Reverdy Johnson, that the "rebel sentiment was cowed." War of Rebellion, series ii, vol. i, 599.

[33] Hicks had been very desirous of seeing the Legislature either broken up or its powers destroyed. As an instance, in July, 1861, he wrote to Reverdy Johnson asking him if the adjournment from time to time of the Legislature was not illegal, and consequently its acts passed at all except the first session void. Reverdy Johnson in an elaborate opinion held that the Legislature in both cases acted within its prerogatives. Correspondence and opinion is in manuscript.

[34] State of Maryland, Executive Chamber.

Maj. Gen. N. P. Banks. Annapolis, Sept. 20.

Dear Sir:—We have some of the product of your order here in the persons of some eight or ten members of the State Legislature soon, I learn, to depart for healthy quarters. We see the good fruit already produced by the arrests. We can no longer mince matters with these desperate people. I concur in all you have done.

With great respect, your obedient servant,

THOS. H. HICKS.

War of Rebellion, series ii, vol. i, p. 685.

very cautious in recommending the release of the members of the Legislature under arrest.[15] He subsequently wrote to Seward to the same effect.[16]

On February 28, 1863, in his first formal speech in the United States Senate, Hicks took occasion to commend emphatically the suspension of the writ of habeas corpus in Maryland in 1861, and the arrests which resulted. He declared that the only criticism he would pass upon the United States Government in this matter was "that some of the rascals had been let go."[17] He said he was willing to have exonerated Lincoln if he had hanged "forty of them." This assertion called forth a sarcastic reflection from a fellow-senator that Hicks, because of the sentiments expressed by him in the well-known "Webster Letter," would undoubtedly have been assigned a front seat in the ranks of the "illustrious forty."

During the latter part of 1861, Hicks was very active in affording assistance to the Federal Administration. He was consulted at times by military commanders in Maryland in regard to the measures adopted for crushing out opposition in the state. His correspondence shows him to have been engaged, as early as August, in planning for, and ordering in some cases, the arrests of persons suspected of being engaged in affording assistance to the Confederacy.[18] He was particularly urgent in advising that the free communications of the latter with the Eastern Shore should be cut off. This section of the state, because of its comparative isolation, was at first but little under the supervision and control of the United States Government,

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[15] Letter of Hicks to Banks, October 2, 1861. War of Rebellion, series ii, vol. i, 693.

[16] Letter of Hicks to Seward. War of Rebellion, series ii, vol. i, 704.

[17] Congressional Globe, 1862-63. Part ii, p. 1373.

[18] Letter of Hicks to Cameron, August 17, 1861. War of the Rebellion, series i, vol. li, part i, 450. Letter of Hicks to McClellan, August 26, 1861. War of Rebellion, series i, vol. ii, part i, 457. Correspondence with G. W. Howard, Jr. (MS.).

and consequently afforded the agents of the Confederacy good opportunities for transmitting men and supplies to the South. The numerous small rivers and inlets which indent the coast are very suitable for the passing in and out of small boats; while recruits for the Confederacy could easily be sent down the peninsula to the Eastern Shore of Virginia, and from there taken across the Chesapeake Bay.[19] Hicks advised that soldiers be stationed at various places on the Eastern Shore, and that arms be supplied to the "Union" men there.[20] All military companies in that section which were hostile in any way to the United States Government were disarmed as speedily as possible.[21]

The strength of the "Union" vote had been seen in special legislative elections in Washington and Cecil counties in May and in June; and more so in the special congressional election in the state on June 13. On November 6, Augustus C. Bradford, a prominent adherent of the "Union" party was chosen Governor by a large majority over Benjamin Howard. The Federal Administration had put forward great efforts to secure an endorsement at the polls; and indeed the election was held directly under the supervision of the United States Government. The judges of the election were instructed by General Dix "to satisfy themselves as to the qualifications of the voters ... to put to those who offer to poll such searching questions in regard to residence and citizenship as to detect traitors and without

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[19] Letter of Dix to McClellan, October 7, 1861. War of Rebellion, series i, vol. v, 614.

[20] Letter of Hicks to McClellan, August 20, 1861, War of Rebellion, series li, 457. Dix to Hicks, August 20, 1861, War of Rebellion, series i, vol. v, 572. Dix to McClellan, August 23, 1861, series i, vol. v, 581. Hicks to Cameron, September 3, 1861, series iii, vol. i, 480.

[21] Dix to Lieut.-Gen. Lockwood, Sept. 30, 1861, War of Rebellion, series i, vol. v, 609. Dix to Lieut.-Gen. Lockwood, October 9, War of Rebellion, series i, vol. v, 616. Dix to Lieut.-Gen. Lockwood, October 14, War of Rebellion, series i, vol. v, 620.

any violation of the constitution or laws of Maryland to prevent the pollution of the ballot boxes by their votes."[22] As a result, besides those persons who sought every opportunity to assist the Confederacy, there were many others who had never allied themselves with this cause, but who, as a result of the general feverishness of the times and the personal animosities thereby engendered, were prevented from voting. Likewise, the number of persons who had fled from the state to enter the Confederate service was quite large by this time.[23] Consequently the election of November 6, 1861, cannot be regarded as even an approximately accurate expression of public sentiment in Maryland. Yet the measures taken by the United States Government, though severe, were not unusually harsh in comparison with those adopted by ruling powers elsewhere in times of intense internal convulsions. The outcome of the elections in Maryland gave such a general feeling of relief to the Federal Administration, that the opinion grew up that some of the closeness with which the state was watched and held could be loosened. Lincoln even drafted a proclamation—never issued, however—which stated such views.[24] Reverdy Johnson and other prominent Union men advocated a similar policy on the ground that circumstances would permit such a relaxation, and that a course of this nature would do much to overcome the feeling of indignation and hostility to the United States Government which was widely prevalent throughout the state.[25]

Maryland had been compelled to coöperate with the United States Government by force of arms. Whatever

[22] War of Rebellion, series ii, vol. i, 609.

[23] By the authority of the Confederate Secretary of War, a recruiting station had been set up in Baltimore before March 16, 1861. War of Rebellion, series i, vol. i, 276.

[24] Proclamation of Lincoln was found among his state papers. War of Rebellion, series ii, vol. i, 617.

[25] Letter of Reverdy Johnson to Seward, March 12, 1861. War of Rebellion, series ii, vol. i, 704.

may have been the inclination of the majority of the people in the state, certainly nearly all the officials, Hicks being the most conspicuous exception, had been avowedly out of sympathy with Lincoln's course. But now, as a result of the elections, the organs of the state government were placed under the control of men who held contrary views. Hicks looked upon the result as a vindication of his own course, yet he had a feeling that he had not been treated altogether rightly by Lincoln and his advisers. The Administration could not entirely forget that when its perils were greatest, Hicks had refused to come to its assistance, and had almost joined in with those who were seeking openly the success of the Confederacy. Subsequently he had shown his friendship for the Administration in a marked way, but the latter had never taken him entirely into confidence in regard to the plans for repression in Maryland.[36] Hicks felt himself slighted, but protested that his devotion to the cause of the Union was not thereby lessened in the slightest.[37]

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[36] However, the military commanders in the state had frequently consulted with Hicks in regard to the details connected with the enforcement of the orders of Lincoln and the War Department.

[37] Letters of Hicks to Seward, November 12, 1861. War of Rebellion, series ii, vol. ii, 704.

CHAPTER XI.

THE LEGISLATURE OF 1861-2.

As soon as the result of the election showed that the incoming Legislature would be controlled by the party which was favorable to the Federal Administration, Hicks decided to summon that body in special session to take steps which would pledge unequivocally Maryland's adherence to the Union. The call was issued on November 16, and on December 3, the Legislature met in Annapolis.

Hicks' message at the opening of the session was devoted largely to an attempt at justification of his policy during the preceding twelve months. He endeavored to explain the vacillation in his course on April 19, and subsequently, on the ground that no other course had been possible; since, he claimed, any attempt at open resistance on his part would have led to the adoption of violent measures by the secessionists. The dominant party in the preceding Legislature was freely characterized as a band of "traitors," and the forcible breaking up of the body by the United States Government was endorsed. In this message, as in his previous official utterances, Hicks insisted that not only was his course inherently right, but that it had always been approved of by a majority of the people of the state.

He even went so far as to say that he would have called a sovereign convention in the midst of the agitation, and thereby given an opportunity to the people to have expressed their attachment to the Union, if he had possessed the authority to have done so. All he could have done would have been to have summoned the Legislature, and to have recommended to it, the calling of a convention.

But he declared that he could not trust that body, and "was sure that through some juggle Maryland would be forced to secede." He held that now was the time to counteract, as far as was possible, the work of the preceding Legislature, and to show Maryland's devotion to the Union. He urged that the equipment of the soldiers called for in Maryland's quota, be prepared for amply, and also that the portion of the direct taxes levied by the United States Government be paid promptly.[1]

It is not advisable for the purposes of this paper to follow in detail, or even roughly, the proceedings of this assembly. In general it may be said that this Legislature endeavored to undo, as far as possible, all that the preceding one had done in opposition to the Federal Administration. The measures which had been adopted exonerating from blame the authorities of Baltimore, on and immediately after April 19, were repealed,[2] and $7000 was appropriated for the families of those members of the Sixth Massachusetts which were killed or disabled in Baltimore at that time.[3] Laws which made valid the qualifications of certain officers in the state militia were repealed.[4] The seat of Coleman Yellott, who had been one of the leaders in the Senate of the radical pro-southern party and who was then in the South, was declared vacant.

The Legislature insisted most strenuously that the war was being urged to restore the Union, and not to interfere with slavery. The proposed constitutional amendment, which during the previous session had passed the House of Delegates only, was ratified. Resolutions which declared devotion to the Union and confidence in Lincoln passed both houses.[5] The House of Delegates, by an almost unanimous vote disagreed with the assertion Jefferson Davis made in a speech in Richmond on February 22.

[1] House Documents of 1861-62, Document A.
[2] Laws of 1861-62, Article XIII. Passed January 4, 1862.
[3] Laws of 1861-62, Article XCIV. Passed March 5, 1862.
[4] Passed March 7, 1862. [5] December 19, 1861.

He had said: "Maryland already united to us by hallowed ties and material interests, will when able to speak with an unstifled voice, unite her destiny with the South."[6] The same body voted an expression of thanks to Wilkes for capturing the "Rebel Commissioners, Mason and Slidell." An opponent of the resolution offered an amendment providing for the sending of a copy of the resolutions to "Her Majesty the Queen of England," but the House ignored the suggestion and the sarcasm contained therein.[7] A very stringent law for the punishment of treason was passed, and arrangements were made to pay the quota of Maryland for the direct tax called for by the United States Government. On March 5, Reverdy Johnson was selected by the Senate and House of Delegates, of which latter body he was a member, as United States Senator for the term beginning March 4, 1863, to succeed Anthony Kennedy. The latter was indeed not a candidate for reelection, and indeed his conservatism and opposition to the doctrine of "implied powers," as interpreted by Lincoln, had made him distasteful to the party in power in Maryland. The Legislature adjourned on December 24 to reassemble for the regular session on the first of January. Thus was ended the fourth sitting of the legislative bodies in Maryland in special session during the year of 1861.

Hicks' message to the Legislature on January 1, congratulates the Legislature upon the work recently done by that body in special session, but contains little of interest on national affairs, and is concerned mainly with questions of finance and public improvements. Just one week later his term as Governor terminated, and Augustus Bradford was installed in his place.

The closing days of Hicks' term must have been a

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[6] February 26. Introduced by Reverdy Johnson. Journal of House of Delegates, 1861-62, 586.

[7] December 13, 1861, Journal of the House of Delegates, 54.

grateful change after the unrest and turmoil which had characterized the years during which he had been Governor. Besides the bitter hatred and reproach which a considerable proportion of his constituents had shown toward him, he had been engaged in a continual struggle with the Legislature. However, the Legislature which had just come into existence entertained for him the friendliest of feelings, and harmony between the two departments of government was restored after a breach of two years. On the day that his term as Governor expired, the House of Delegates passed resolutions thanking him in its name and the name of the people of Maryland for the "way he had met this solemn crisis in our national affairs," and declaring that he had kept Maryland in the Union. The Senate promptly concurred in the resolutions.

On January 8, 1862, Hicks retired to private life. He had left his position of authority in Maryland with the good wishes of Lincoln and the "Union" people generally throughout the country. Various proposals were brought forward to reward him for his services to the Union in the trying days of '60 and '61. Among these was a suggestion by the New York Tribune that Hicks be appointed Secretary of the Navy to succeed Wells, who was believed to be on the eve of resigning.[8] It had long been rumored that Hicks would be appointed commander of one of the military divisions into which Maryland had been divided.[9] During the summer of 1862, Lincoln offered to him the position of Brigadier-General; and on his acceptance, July 26, he was directed by the Secretary of War to report to Governor Bradford.[10] But Hicks was in bad health at the time and never really entered upon the duties of the position.

During the summer of 1862 an incident occurred which

[8] Letter from G. W. Jefferson to Hicks, January 17, 1862 (MS.).
[9] Letter from G. W. Jefferson to Hicks, January 17, 1862 (MS.). Letter from G. W. Howard, Jr., to Hicks, February 26, 1862 (MS.).
[10] Letter from Hicks to Governor Bradford, July 26, 1862 (MS.).

attracted considerable attention. Judge Carmichael, of Queen Anne's county, while sitting on the bench was arrested by officers of the United States army after a vigorous attempt at resistance on his part. Carmichael had been very outspoken in his opposition to the suspension of habeas corpus and other such stringent measures which the Federal administration had adopted in dealing with the people of the State of Maryland. By virtue of his official capacity, he had at numerous times thwarted the carrying out of the plans of the military departments in regard to the measures taken against persons charged with being secessionists. Just at this time the President of the State Senate, H. H. Goldsborough, a strong Union adherent, was about to be tried before Carmichael, but the Federal Administration interfered and arrested the latter on the ground that he was largely responsible for keeping alive on the Eastern Shore the hostile feelings towards the United States Government.[11]

The circumstances under which the arrest was made tended to increase the feeling of discontent and indignation of those who were opposed to the policy of the Federal Administration. Much dissatisfaction was noticeable even among those who were considered as pronounced Union adherents; a feeling resulting from the rigid and arbitrary rule of the local military forces.[12] Indeed the advanced measures which were adopted in dealing with the State of Maryland served to accentuate the bitterness of the southern sympathizers, and to fill with misgivings very many adherents of the "Union party." These continually urged the Administration to restrain its hand and not to subject the "loyal people of Maryland" to such extreme tests of their devotion to the Union by demanding acquiescence and even coöperation in the furtherance of plans which were so repugnant to their ideas of personal liberty.

[11] War of the Rebellion, series ii, vol. iv, 63.

[12] H. H. Goldsborough, J. Crisfield and other prominent persons expressed themselves quite strongly on this point in their private correspondence.

Hicks, though he was now a firm supporter of Lincoln, was, at this time, on the whole inclined to favor the conservative element in the "Union party." The radical wing had as one of its leaders the brilliant orator, Henry Winter Davis. The severe and apparently fatal illness of Senator Pearce aroused considerable speculation as to his probable successor. Hicks seems to have been agreed upon generally as the logical candidate, if the vacancy should occur. Consequently, upon the death of Senator Pearce, Governor Bradford appointed Hicks, on December 27, 1862, to serve as United States Senator, and he took his seat in the Senate on January 14, 1863. On the whole the career of Hicks in this body was not particularly prominent. He did not possess ability to attract especial attention on the floor, and during the two years in which he was in the Senate, he suffered so much from ill health that slight opportunities were given of demonstrating whether he had the qualities which make a leader either in the committees of the Senate, or in party councils and caucuses.

CHAPTER XII.

HICKS IN THE SENATE.

On January 29, Hicks made his first formal address in the Senate, in the course of which he reviewed his record as Governor of Maryland, and attempted to explain the inconsistencies of policy which were claimed to exist there. The speech is interesting as showing how far Hicks' views had changed during the past year on many of the questions of the day. He expressed most emphatically his endorsement of the policy of the Administration in Maryland in regard to the suspension of habeas corpus, the arrests which followed, and other measures deemed advisable by the Federal Administration to keep the unfriendly spirit in the state in check. His colleague from Maryland, Senator Kennedy, took him severely to task for these sentiments, and declared he could see in the policy of the administration only the establishment of a despotism. Kennedy inquired if Hicks approved of the suspension of habeas corpus in 1861 when the entire official machinery of the state was in operation. Hicks' reply is somewhat evasive. He declared, however, that he did not approve of everything Lincoln had done, but on the whole he was glad that the presidential election of 1860 had resulted in the election of Lincoln. Coercion of the seceded states he believed was right, and if the safety of the Union demanded such severe measures, "every rebel, North or South," should be put to death.

The radical nature of the remarks of Hicks, though finding approval on the Republican side of the house, did not fail to call forth from the Senators from the border states criticisms and sarcastic allusions to some of Hicks' pri-

vate and official utterances in 1860 and 1861. On the other hand, Hicks hesitated considerably before following the dominant party in the Senate in regard to slavery. He had always spoken bitterly of abolitionists, and declared as late as August, 1861, that while he was willing to do all he could to assist the Administration in the prosecution of the war, yet if then "the abolitionists don't let our negroes alone, I will fight them."[1] Hicks insisted that all energies should be put forward to restore the Union, and until this was accomplished other problems should, as far as possible, be laid aside. Therefore he was opposed to the consideration of questions of gradual emancipation (involving compensation for the owners), in the border states, declaring that such only served to divide the forces of the Union, and to encourage useless dissensions when the common welfare of the country demanded a united front against secession.

The representatives from Maryland in Congress united with those who were opposed to any interference with the institution of slavery, but the cause proved to be a constantly losing one. Two of the main reasons which operated in producing this effect were that of the advocates of slavery, many had become convinced that its existence would prove to be an insurmountable bar to the restoration of the Union; while very many indeed had been disfranchised, and hence were powerless. Hicks belonged to the former class, and declared that though the loss of his slaves would ruin him, yet if the Union demanded the sacrifice, he was willing to make it. The results of this movement are to be found in the work of the Constitutional Convention of 1864.

Hicks was promptly elected by the Maryland Legislature on its assembling, on January 7, 1864, to fill out the rest of the term of the late Senator Pearce, to which Governor

[1] Letter of Hicks to McClellan, August 26, 1861. War of Rebellion, series i, vol. ii, part i, 457.

Bradford had appointed him in the recess of the Legislature.[2] From this time on, feeble health prevented him almost entirely from carrying on his official duties.

On June 13, 1864, Hicks made a speech in the Senate, while sitting in his chair.[3] He expressed himself as being heartily in favor of the reelection of Lincoln.[4] Shortly afterwards he declared vehemently that he did not know which would be the greatest evil, the success of the Confederacy or the return to power of the Democratic party.[5] Though Hicks had eventually favored the abolition of slavery in Maryland and had voted[6] for the constitution providing for this, yet he was opposed to any attempts to place the freedman on a plane with his former owner. He was not in favor of the proposed act for a "Freedman's Bureau," claiming that since the negro was free, it was not advisable to place him in an actual, if disguised, form of servitude by putting him under the supervision of so-called "boards of improvement."

On July 2, Hicks made his last remarks on the floor of the United States Senate. During the following autumn and winter petitions were gotten up to urge Lincoln to appoint Hicks collector of customs at Baltimore, but all such plans were finally interrupted by his death on February 13, 1865, at the Metropolitan Hotel in Washington. He had long been in bad health, and an attack of paralysis soon proved fatal. The body lay in state, and the funeral

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[2] Elected on joint ballot on January 14, 1864. Vote stood: Hicks, 67; Samuel Hambleton, 18; T. A. Spence, 2; blanks, 4. Journal of Senate of 1864, p. 10.

[3] One of his legs had recently been amputated.

[4] Congressional Globe, 1863-64, part iv, 2970.

[5] January 25, 1864. Congressional Globe, 1863-64, part iv, 3263. Senator Saulsbury, of Delaware, retorted that the Democratic party would not have him, but Hicks expressed himself as being by no means convinced of this.

[6] As an instance of the change which came about in his views, Hicks had declared in a letter written on April 3, 1860: "When it comes to vote a Democrat or Abolition [ticket], I am disfranchised." (MS.)

oration was delivered in the Senate, the President of the United States and his cabinet, the Diplomatic Corps, members of Congress, officers of the Army and Navy, the Governor of Maryland, members of the City Council of Baltimore, attending. Hicks was buried in the Congressional burying ground, but was taken up and on March 3 sent to Baltimore. A committee from the City Council of that city met the body on its arrival, conveyed it to the Maryland Institute, where it again lay in state, and finally accompanied it to Dorchester, where the interment took place in a cemetery in Cambridge.

CONCLUSION.

"I am content to await the just verdict of my fellow-citizens when peace and sober counsels, experience and calm reason shall enable them to approve without partiality and to condemn without prejudice." [1]

Such was the judgment Hicks asked of posterity. Probably no man in public life in Maryland has ever aroused such different feelings among his constituents. By some he was regarded as a villain and a traitor who had sold his state to Lincoln. During the stormy days from 1860 to 1865 his opponents sought every opportunity to denounce him. Even this bitterness of feeling did not stop with his death, and still is expressed at times by some of the survivors of that period. On the other hand, some will ascribe to him virtues and abilities of a transcendent character. Of course there have been many opinions held concerning Hicks which are not so radical as these, but on the whole he has never been rated properly.

He was not a great man—certainly not in the sense in which the term is generally used. But for the uniqueness of the position in which he was placed in 1860, there is little doubt, but that his name would be preserved simply as that of a man who was once Governor of Maryland, and while holding this office exhibited abilities of only a very moderate character. Near the close of his term as Governor strange and perplexing problems were forced upon him for solution. He was swept along by circumstances, and his views changed with these. Inconsistencies occurred in his course, yet it cannot be said that he at any

[1] Message of Hicks to the Legislature. Documents of House of Delegates of 1861-62, Document A.

one time went back upon the main tenet of his belief, that is, that the Union should be preserved if possible. At any rate he himself would take no steps to aid in carrying Maryland into secession. Apparently, he gave in on April 19, and called the Legislature, but he declared afterwards that he had to yield a little then or lose everything.

At the beginning of the great contest, Hicks realized that the war about to break out would be frightful in its destruction of life and property. He knew little of the constitutional points involved in questions of secession, but he was convinced that the attempt on the part of Maryland to claim the right to separate from the Union would turn the state into an enormous battlefield. He was possessed with the idea which was so prevalent in other border states, especially in Kentucky, that is, that a state could remain in the Union and yet take no part in the war. When such a course was found to be impossible, and he was forced to choose between allying himself actively with the United States Government or the Confederacy, he chose eventually the former. His earlier course was characterized in turn by assumptions of neutrality, by feeble attempts at resistance, mild protests, proffers of assistance to the United States Government indirectly offered, a qualified support of the administration. Near the close of his career he was entirely in sympathy with all the plans of the Federal administration. Though the records of hundreds of public meetings which were held throughout the state at this period have been investigated, together with other data, yet it is impossible to come to any satisfactory conclusions as to the public sentiment in Maryland. In the first place, this sentiment was in a more or less chaotic condition and tended to change with bewildering rapidity. Strong pressure was brought to bear upon Hicks to call a session of the Legislature, yet his refusal to do so secured for him the complete endorsement of a very large number of his constituents. The course which would have been pursued by the Legislature, if it had been in session,

is, of course, only a field of speculation. It is, however, safe to say that Maryland would not have passed an act of secession as long as Virginia remained in the Union. This fact is clearly established from the records of the time; and, indeed, the geographical position of Maryland rendered such a course imperative. But in the great revulsion of feeling, which was especially pronounced in the border slave states, upon the outbreak of hostilities and the call for volunteers by Lincoln, it is possible that Maryland, like Virginia, would have been swept into secession. It is here that a definite statement can be made as to the influence of Hicks on Maryland's policy at this time. By his persistent refusal before April 19, to summon the Legislature in special session, he prevented the possibility of that body taking any steps looking towards secession. When the Legislature did meet, public opinion had changed in a measure; and, moreover, Maryland had been rendered largely helpless by the course of the Federal administration.

INDEX TO THE NINETEENTH VOLUME

OF THE

JOHNS HOPKINS UNIVERSITY STUDIES

IN

HISTORICAL AND POLITICAL SCIENCE.

A

Acquisition of Pacific Islands; evolution of the American policy as to, 12, 70, 119, 126, 127-8, 130, 137, 141, 151; guano islands, 69.

Aleutian Islands, 59, 70.

Alliance, American policy as to, 52, 68; Anglo-American, proposed, 90, 95, 97, 98, 100.

American maritime enterprise, early, 13.

American party [see Know Nothing party].

American Social Economics, 186.

Andros, Sir Edmund, Governor of Virginia, 490; opposed the college, 490; suspends Blair, 490; charges against, 491; trial, 491-2.

Anglo-American interests in the Far East, coöperation, 14, 98, 104, 107; proposed alliance [see "Alliance"].

Arbitration, for labor difficulties, 264 et seq.; boards of, 264-8.

Astoria, 30.

B

Bacon, Nathaniel, 280, 293.

Baltimore City, excitement in, 556, April 19th, 556-9; election, 568; commercial prostration, 582; occupied by Federal troops, 594-7, 611; arsenal in, 602; arrests of members of legislature in, 616.

Banks, attack on, in Maryland convention, 428.

Behring Sea, 33, 58.

Berkeley, Sir William, 471, 472.

Blair, Commissary James; early life, 455; at Henrico parish, 456; at Jamestown, 456; elected to Bruton parish, 457; sermons, 459; commissary, 460; efforts for clergy, 463-7; duties, 464; influence of, 469; relation to William and Mary College, 470-488; and Professor Mayo Inglis, 481-2; and governors of Virginia, 489-501; member of council of Virginia, 489; close of life, 500-1; will, 501; inscription on tomb, 501-2.

Bonin Islands, 61, et seq.; Perry's policy for a colony on, 63; proposition to take possession of, 64; question of ownership, 65.

Border states, 521, 540, 547; and Peace Conference, 542.

Borneo, 74, 157.

Boyle, Hon. Robt., bequest for Indian education at William and Mary College, 473, 483-4, 485.

Bradford, Augustus, Governor of Maryland, 355, 620, 625; on election of 1863, 368-9; message of 1864, 376.

Brown, George William, Mayor of Baltimore City, 523; and April 19th, 558, 560-1; views on secession, 558; interview with Lincoln, 562; communication to the city council, 591; memorial of, 611.
Bureaus of statistics of labor; first organized, 187; state, 187-9; of the United States, 188; force and work, 190-1, 193; personnel of, 188; powers and duties of, 190, 191-3; Kansas bureau, 188-90; reports and publications, 192; system of work, 193-4.
Burgesses, first election of, 279.
Butler, General Benjamin, 563-4, 569, 594.
Byrd, Colonel, 498-9.

C

California, factory inspection in, 228.
Callahan, James Morton, American Relations in the Pacific and the Far East, 1-177.
Carmichael, Judge, arrested by Federal authorities, 627.
Carpet-baggers, 330.
Chandler, Julian A. C., The History of Suffrage in Virginia, 270-346.
China, earliest American trade in, 10, 12, 84; Major Shaw, first American consul to, 14; early American voyages to, 21, 23; restricted trade policy of, 85; reformed methods of, after "Opium War," 86; American policy as to, 83, 99, 101, 104, 108, 109, 110 [see "Far East"]; American negotiations with, 87, 91, et seq., 94, 97, 102; treaties with, 88, 105, 109; Taiping rebellion in, 91 et seq., 96; indications of change in, 156; and the Russian policy, 159.
Chinese Diplomacy, 87, 92, 94, 102.
Clergy of Virginia, demoralized, 462-3, 466, 467, 468.
Coal mines, inspection of, 250.
College, William and Mary [see William and Mary College].
Colonial establishments, distant —feared by the Senate, 52; suggested, 61; the Bonin Island colony, 60 et seq.; favored by Perry, 65, 67.
Compromise, the Spirit of, in United States, 541 et seq. [see Peace Conference].
Connecticut, factory inspection in, 219.
"Conservative" Union party, in Maryland, 379.
Constitution of Virginia, 1776, 286.
Constitutional Convention, of Virginia in 1829-30, 300 et seq.; plan adopted, 308-9; movement for, in 1846, 315-6; of 1850, 317-24, 515; of 1861, 360-4, 376-8; of 1864, 326; convention of 1901, 343-6; of 1864 in Maryland, 382 et seq.; members, 382-6; parties in, 383; organization, 387-8; interruptions, 389-90; retaliatory resolutions, 393; eligibility of members, 395; reports of, 397.
Corea, 111-113; need of reforms in, 112.
Crittenden, Senator, successor to Clay, 512; letter to Hicks, 533.

D

Davis, Henry Winter, vote of, 520, 521; not supported by Hicks, 533, 552; of radical wing of "Union party," 628.
Davis, Jefferson, reply to message from Legislature of Maryland, 609; Richmond speech, 624.
Declaration of Rights, of Maryland Convention of 1864, 389, 394, 396, 398, 405, 408-411.
Delaware, factory inspection in, 227.
Democratic party in Maryland, 379, 385, 394, 402, 421; attitude on constitution of 1864, 437-440; strength in 1860, 521; denounced, 522; in legislature of Maryland, 577.

Democratic tendency in Virginia, 293, 306-7, 309, 317-24.
Deserters, 39, 40, 42, 48, 64.
Discovery, of islands by Ingraham, 19; expeditions of, 24, 55, 58.
District of Columbia, to revert to Maryland, 513, 547.

E

Early, Gen. Jubal A., invasion of Maryland, 390-1.
Eastern and Far Eastern questions, 155.
Eastern Shore, separation from Maryland, 516.
Education, Maryland constitution of 1864 provides a state system, 431-3.
Election, uniform time in Virginia, 312; of 1863 in Maryland, 364-75; irregularities on Eastern Shore, 372-5; of 1864, 380.
Emancipation, policy of Lincoln, 355-7; movement in Maryland, 1862, 357-9; in campaign of 1864, 378; in convention of 1864, 398-405.
Employment Bureau, 193, 196-210; classes of, 196; legislation in regard to, 198-9; private, 196-8; free, 199; state bureaus, 200 et seq.; methods of, 202; relation to strikes, 203; results achieved, 205-8; prominent features of, 208-9; joint action a necessity, 210.
Expansion to California and Oregon, effect on the American policy in the Pacific, 76, 78, 89, 90.
Exploring Expeditions, U. S., 24, 50 et seq.

F

Factory inspection, 211; history of development, 211 et seq.; in Mass., 212-16; in N. J., 216; in Ohio, 217; in N. Y., 218; in Conn., 219; in Pa., 220-1; in Ill., 221-2; in R. I., 222; in Me., 222; in Ind., 223; in Mich., 224; in Mo., 225; in Wis., 226; in Minn., 227; Del., 227; Nebr., 228; Washington, 228; Tenn., 228; Cal., 228; W. Va., 229; Kansas, 229.
Far East, earliest American negotiations for ports in, 11, 48; increase of American concerns in the, 91; Anglo-American interests in, 14, 90; American opportunity and duty in, 12, 110, 159, 160, 162; and the Eastern questions, 155, 156; recent changes in, 155; Russian plans as to, 159.
Fiji Islands, 24, 43, 45, 53, 55, 57, 69.
Foreign policy, 91 [see "China," "Japan," "Samoa," and "Hawaii"].
Formosa, 66, 67; proposed occupation of, 98, 99.
Fourteenth Amendment, 327-9.
Frederick, city of, Md., occupied by Federal troops, 607.
Free Employment Bureaus, 199.
Freeholds, in Virginia, 282-3.

G

"Gazette," the, 294.
Goldsborough, Henry H., President of Convention of 1864, 387, 396.
Great Britain, American coöperation with, 14, 98, 104, 107; proposed alliance with, 90, 95, 97, 98, 100; and Russian rivalry in Asia, 157.
"Gubernatorial Districts" in Md., abolished, 417.

H

Hawaii [see "Sandwich Islands"], Americanization of, 114-134; early policy of the U. S. as to, 114, 117; development of annexation policy, 119-123, 125, 126, 128, 130-31; American treaties with, 40, 118, (123), (124), 127; constitutional history notes, 131-34; present territorial government, 168.
Hicks, Governor, of Md. and the Civil War, 504 et seq.; sources

of biography, 511; on calling legislature, 513; struggle with "Rebel Legislature," 513; early career, 515 et seq.; in state convention of 1850, 515-17; on division of state of Md., 516-17; Governor of Md., 518; relations with Legislature of 1858, 519; correspondence with southern states, 520; policy of inaction, 526, 529, 532, 536, 553, 599; on secession, 538; correspondence with border states, 540-1; and the Peace Conference, 543, 552; change of position as to extra session, 546; part in burning railroad bridges, 560-62; relations with Federal administration, 547, 549, 554, 562, 564; summons legislature, 566-8; plots against, 573; criticism of course of, 576-7; takes more decided stand for Federal government, 592, 598-9, 608, 618, 619, 620; messages to legislative sessions of 1861-2, 623, 624, 625; appointed Brigadier-General, 626; appointed to Senate, 628, 629-32; conclusion upon course and character of, 633-5.

I

Illinois, Employment Bureau of, 201-4; factory inspection in, 221-2.
Indiana, factory inspection in, 223; Regulation of Sweating System in, 245.
Indian education at William and Mary College, 483-5.
Industrial Conciliation and Arbitration, 264-9.
Inglis, Mayo, of grammar school, 480, 486; discord with James Blair, 481-2.
Ingraham's voyage, 17; discovery of islands, 19; trade, 20.
Inspection; of factories, first published, 186; of Factories and Workshops, 211-38; of Mines, 186, 250-63.
Inspectors; of Factories, 230-2, 238; of Mines, 257 et seq.
Intelligence Agencies, 196.
Internal Improvements of Md., 425-7.
Intervention, suggested as to Japan, 77; as to China, 95.
Isolation policy, favored, 52, 138; opposed, 90, 162.
Isthmian transit routes, need of, 40.

J

Japan, foreign policy of, 72 et seq.; early American voyages to, 73 et seq.; American determination to secure intercourse with, 76; Perry's expedition to, 78 et seq.; negotiation of treaties with, 81, 82, 84.
Jefferson, Thomas, 286, 293, 299, 305, 309.
Johnson, Reverdy, 621; chosen Senator, 625.
Jones, Professor Hugh, description of William and Mary College, 479.

K

Kane, Marshal George, letter to Hicks, 548; objects to passage of Federal troops, 570-1; arrest of, 611, 612.
Kansas, factory inspection in, 229.
Know Nothing party, 518; election of 1857, 518; tenets of, 519; paper by Schmeckebier, 519; plans in 1860, 521; platform, 522; in extra legislative session of 1861, 577.

L

Label, on tenement made goods, 243.
Labor laws, 236.
Legislature of Maryland, attitude 1860, 520-1; petitions for assembling, 525 et seq.; refusal of Hicks to summon, 533; calling of an extra session, 566 et seq.; as to place of meeting, 572-3; at Frederick, 576 et seq.; resolutions on secession, 578; on defense of Baltimore, 579;

"Safety Bill" in, 580-2; resolutions on seizure of railroads, etc., 583; on policy of Lincoln, 586-7; and a Southern Confederacy, 588, 617; plan to oppose Hicks, 598; rupture with Governor Hicks, 601-13; suppression of, 614-22; arrest of members by Federal authorities, 615; session of 1861-2, 623-28; resolution on Davis' Richmond speech, 624; endorses policy of Hicks, 626.
Leigh, Benj. Watkins, on suffrage, 304, 307.
License, regulation of Sweating Shops by, 240.
Lieutenant-Governor, office of, created in Md., 417-8.
Lincoln, policy of emancipation, 355; on election in Md., 364, 367; election of, 523-4; inauguration of, and plots against, 544, 547, 548; dislike for in Md., 551, 572; policy condemned by Legislature of Md., 603; suspended the writ of habeas corpus in Md., 605; and the Baltimore police commissioners, 611-2; military policy as to Md., 614, 617.
Loo Choo Islands, proposed occupation of, 65, 78.

M

Madison Island, discovered by Ingraham, 19; occupation by Capt. Porter, 26; American intervention in, 27; visited by the Vincennes, 41.
Madison, James, 294, 301.
Maine, factory inspection in, 222.
Manhood Suffrage, steps to, 311-8.
Manila, 10, 44, 58.
Marshall, John, 301-2, 309.
Maryland, Regulation of Sweating System in, 245; relation to South, 354; domestic revolution in, 355-6; Constitution of 1864, 353-444; Declaration of Rights, 389, 394, 396, 398-411; suffrage, 409; rights in property, 410; poll-tax, 410; test oath, 410-13; education in, 411, 431-3; registration of voters, 412-4; oath of office, 414-6; Gubernatorial Districts abolished, 417; changes in executive department, 417, 418-9; legislative department of, 420-4; internal improvements in, 425-7; changes in judiciary, 430; for amendment of constitution of, 433-4; ratification of constitution of, 434-444; as a border state, 512-3, 527, 532, 555; representatives of, at the Peace Conference, 541, 543; secession views in, 543; dislike for Lincoln in, 551; passage of Federal troops through, 563-5; as a "conquered province," 583, 606, 610, 618; relations with Virginia, 427-8, 584-6; change of attitude to Federal Government after April 18th, 588-90, 600.
Mason, John Y., 319.
Massachusetts, board of arbitration in, 266; factory inspection in, 212-216; 236-7; regulation of Sweating System in, 239, 247, 249.
McCabe, John C., 458.
Michigan, factory inspection in, 224.
Mines, inspection of, 250-63; coal, 250; as to women and children employed in, 251; hours of labor in, 252; mining codes and laws, 251-5; boards of examiners of, 259; as to company stores, 260, 261, 262.
Minnesota, factory inspection in, 227.
Missouri, Employment Bureau of, 204, 206; factory inspection in, 225.
Monroe, James, 297, 301, 304.
Monroe Doctrine, and the Pacific Coast, 35; and policy in the Pacific, 52; and the Far East, 90, 110; and Samoa, 138, 146.
Morrels' voyages and adventures, 43-5.
Motley, Daniel Esten, Life of Commissary James Blair, 447-506.

Munford, William, 294.
Myers, William Starr, The Maryland Constitution of 1864, 347-446.

N

Natives of islands, character of, 18, 19, 28, 44, 47, 53.
Naval and coaling stations, 66, 70, 77, 125, 137, 139, 150.
Navy, operations in the Pacific, 10, 11, 25, 39-42, 47, 55, 59, 76, 79, 98, 107, 111, 129, 130, 136, 143, 150; need of increase, 54, 59.
Nebraska, factory inspection in, 228.
Negro suffrage, 329-337.
New Jersey, factory inspection in, 216; regulation of Sweating System in, 245.
New York, arbitration for labor difficulties in, 264, 267; Employment Bureau of, 207-8; factory inspection in, 218-9; regulation of Sweating System in, 242, 247, 249.
Nicholson, Governor, 457, 477, 482, 490, 492; relation to college, 492; and Commissary Blair, 492-8; and the Burwell love affair, 493-5; charges against, 495-6; attitude of Virginia clergy toward, 497.
Norfolk charter, suffrage in, 284, 285.
Northwest coast, early commercial enterprise between China and, 13; Jefferson's interest in, 14, 30; the *Columbia* at Nootka, 16; conflicting national claims on, 20, 31 [see "Pacific Coast"].

O

Ohio, Employment Bureau of, 200, 205, 209; factory inspection in, 217; regulation of Sweating System in, 244.
"Open Door," 66, 91, 110, 160.
Ordinance and Constitution, 279.
Orient, unlocking the, 72 et seq.; American duty in, 12, 110, 159, 160, 162.

P

Pacific, the; early European voyages to, 9; early American voyages to, 10; beginning of the American navy in, 10, 11; Wilkes' expedition to, 11, 55; increase of American interests in, 32; need of a larger navy in, 54, 59; policy as to acquiring islands in, 12, 70, 119, 126, 127-8, 130, 137, 141, 151; guano islands of, 69.
Pacific coast, the; increase of American interest on, 30; proposed plan for settlement of, 32; desire to acquire ports on, 35; and the Monroe Doctrine, 35; acquisition of California, 36 [see "Northwest Coast"].
Patterson, Commander of Pennsylvania Department; delay in coöperation with Butler, 596-7; reply to Hicks, 607.
Peace Conference, 512; origin of, 541; delegates from Md. to, 541; representatives at, 542; denounced in Baltimore, 544.
Peel Island colony, 61 et seq.
Pennsylvania, factory inspection in, 220-1; inspection of mines in, 256; board of examiners for mine inspector, 259; regulation of Sweating System in, 243.
Philippines, 10, 56, 149-55; and American opportunity in the Far East, 110, 155-64; early American interest in, 149; occupation, 151; cession by Spain, 152; American responsibility and policy in, 153-5, 163-4.
Pierpont, Francis H., 325-9; the Pierpont government, 326-7.
"Poor whites," 324-5.
Private Employment Agencies, 196-7; condemned, 197-8.
Property qualification, 282.

R

Radcliffe, G. L., Governor Hicks of Maryland and the Civil War, 504-635.
Randolph, John of Roanoke, 305, 309.

Ratification of Maryland Constitution of 1864, 434-44.
Reform movement in Virginia, 295.
Reports; of bureaus of statistics of labor, 192; of factory inspectors, 238.
Representation, reapportionment of, in Virginia, 298; in convention of 1829-30, 301; in 1841-2, 313; in 1850, 316-7, 323-4; in Maryland by constitution of 1864, 420-3.
Republican party, formation of, 521; and the American party, 522.
Rhode Island, factory inspection in, 222.
Richmond, universal suffrage in, 321-2.
Russia, claims in the North Pacific, 31, 33; American treaties with, 34; settlements of early American trade with, 22, 33; and British rivalry in Asia, 157; expansion policy of, 158.

S

"Safety Bill," 577; introduced by Senator Yellott, 580; action of legislature upon, 580-2, 590.
Samoa, 46, 55, 57; strategic position of, 136; proposed American protection or annexation of, 137, 140; internal troubles, 138, 140, 142, 145; treaty with, 139; international complications in, 142, 147; tripartite arrangement for, 140, 143; partition of, 148.
Sandwich Islands, early American vessels at, 16, 40, 41, 42, 43; early traffic with, 17; Ingraham at, 19, 21; native wars in 19; a resort for traders and whalers, 22; and Astoria settlement, 31; Russian designs in, 32; a depot for supplies, 39; treaty with, 40; importance to American interests, 40; difficulties of missionaries in, 39, 115; sources of dispute in, 43 [see "Hawaii"].
Schenck, General, relation to election of 1863 in Md., 371-5, 379.
Schmeckebier, Dr. L. F., the Know Nothing party in Md., 519.
Schofield, Gen. J. M., Military Governor, 329.
Scott, General Winfield, correspondence with Hicks, 548, to increase military defense of Washington, 549; order for occupation of Baltimore, 594, 596.
Sealing in the South Pacific, 22, 23.
Secession in Virginia, 325 et seq.
Sixth Massachusetts, attack on in Baltimore, 557-8; appropriation of Md. for families of injured, 624.
Slavery, in Md., 356; status in constitution of 1851, 358; in convention of 1864, 387, 398-405.
South America, west coast of; American influence on, 10, 25, 34; agitated by the appearance of the Columbia, 16.
Southern states, attitude of newspapers of, towards Hicks, 529; commissioners from, to Md., 530, 537, 538, 539, 540, 553.
Spotswood, Governor, 282, 458, 484, 490; early life, 498; becomes Governor of Virginia, 498; relations with Blair, 498-500; quarrel with Burgesses, 498.
State Activities in Relation to Labor, 178-269; extension of, 185; classes of, 185; and politics, 185.
State Conference Convention of Maryland, call for, 544; meeting of, 545, 546.
Statistical Science, contribution of United States, 194; positive influence of, 195.
Staunton Convention of 1816, 297; meeting of 1825, 299.
Steiner, Dr. Bernard C., 512.
Strikes, duties of employment bureaus to, 203.
Suffrage, in Virginia, 279-346; be-

fore 1830, 279-92; law of 1646, 279; of 1656, 280; of 1670, 280; Chas. II on, 281; code of 1705, 281; qualification of electors, 282-3; in Williamsburg charter, 284; Norfolk charter, 284; in constitution of 1776, 286; in Jefferson's plan, 286-7; in counties, 289; in Alexandria, 289; in Richmond, 289; in unincorporated towns, 290; in town and general elections, 290; per cent of whites voting, 291-2; inequality of, 297; in convention of 1829-30, 301-10; in Marshall's memorial, 302; in the Alexandria constitution, 326; negro, 329; in the Underwood convention, 332-3, 336; establishment of universal suffrage, 317-24; in Maryland by the constitution of 1864, 409.

Superintendents of mines, qualifications of, 256.

Sweating System, Regulation of, 239-49; in Massachusetts, 239, 247; in cities, 239; license required, 240; in New York, 242, 247; in Penn., 243; in Chicago, 244; in Ohio, 244; in New Jersey, 245; in Indiana, 245; in Maryland, 245; principles of legislation upon, 246; results of, 248-9.

T

Tennessee, factory inspection in, 228.

Tevis, Colonel, concerning the "Government Ticket," 372.

Trade, direct Chinese-Northwest; American control of, 21; influence, 22.

Tyler, President Lyon G., 454, 458.

U

"Unconditional Union" party, 359, 361-3, 365, 366, 374, 378, 380-1, 383, 384, 401; support of constitution of 1864, 437, 440.

"Underwood Constitution," 325-46.

Unincorporated towns, suffrage in, 290.

Union League Convention in Maryland, 360, 361.

United States Bureau of Statistics of Labor, 188, 190, 191.

V

Virginia, History of Suffrage in, 270-346; constitution of 1776, 286; and secession, 512, 546; and the Peace Conference, 541, 544; and Maryland, 584-6.

Voting, Multiple in Virginia, 312; corrupt, 314, 315, 324.

Voyages (special): of the *Empress of China*, 13; of the *Columbia*, etc., 15; of the *Hope*, 17 et seq.; of the *Betsey*, 23; of the *Aspasia*, 23; of the *Essex*, 25; of the *Dolphin*, 39; of the *Vincennes*, 41; of the *Antarctic*, 43; of the *Margaret Oakley*, 44; of the *Potomac*, 47.

W

Wallace, General Lew, relations with Md., 379-80, 390-2.

Wallis, S. Teackle, report of, on session of legislature, 535; arraigns Hicks for duplicity, 537-8, 545; at the meeting in Monument Square, April 19th, 558.

Washington, factory inspection in, 228.

Washington, D. C., communication with the North, 513; meeting of Peace Conference at, 541 et seq.; precarious position of, 570.

West Virginia, factory inspection in, 229; organization of, 325.

Whalers, early relations with the natives, 37 et seq.

Whaling interests, American, 10, 22, 50; protection by Capt. Porter, 10, 26.

Whig party, dissolution of, 521.

Wilkes, vote of Maryland Legislature to, 625.

William and Mary College, 470-88; early efforts for a college in Va., 470, 471; Blair's "de-

sign," 472; charter and gifts for, 473-6, 477, 478, 480, 484, 486; buildings, 477, 479; instruction at, 479-80; burning of, 483; Indian department, 483-5; grant from General Assembly, 485; endowment and scholarships of, 485-6; library, 486; faculty, 486; influence, 487-8.
Williamsburg, suffrage in charter of, 284, 285; votes in county, 288.
Willoughby, William Franklin, State Activities in Relation to Labor in the United States, 178-269.
Winans, Ross, arrest of, 599.
Wisconsin, factory inspection in, 226.
Women and children, in mines, 251.
Work in private families, regulation of, 242.
World Power, United States as a, 12, 110, 159, 162.
Wren, Sir Christopher, plan of college building, 477.

Y

Yeardly, Governor, of Virginia, 279.
Yellot, Coleman, on attitude of, Hicks, 533; "Proclamation" of, 566; in extra-session of the legislature, 577; introduces the "Safety Bill," 580; seat declared vacant, 624.

JA2
J65
v.19